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Committee on Economic, Social and Cultural Rights

Implementation of the International Covenant on Economic, Social and Cultural Rights

Seventh periodic report submitted by States parties under articles 16 and 17 of the Covenant

Norway

Part I

A. Introduction

1. The seventh periodic report of Norway is submitted in accordance with Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (The Covenant). The report covers the period 2020 to 1 May 2025 and was completed on 28 May 2025. In the preparation of the report, due regard was paid to the guidelines regarding the form and content of periodic reports from States parties (E/C.12/2008/2) and the concluding observations of the Committee on Economic, Social and Cultural Rights on Norway's sixth periodic report (E/C.12/NOR/CO/6).

2. In order to avoid duplication of information, reference is made in this report to Norway's common core document (CCD) (HRI/CORE/NOR/2024), Norway's sixth periodic report (E/C.12/NOR/6) and to other reports submitted by Norway in compliance with United Nations (UN) human rights conventions and conventions of the International Labour Organization.

3. The report has been prepared by the Ministry of Justice and Public Security with contributions from relevant ministries and other authorities. Civil society was included in the process. The Ministry held a public meeting where civil society was invited to share its concerns. Civil society, as well as the Sámediggi (Sami Parliament) and others, were also invited to submit contributions to a draft report. Contributions were communicated to the relevant ministries and taken into account during the drafting.

4. The concluding observations of the Committee on the sixth report are addressed in the present report, with references to the relevant paragraphs.

5. Further information and all references and sources to legislation, white papers, action plans etc. cited in the report, are available in annex 1.

Concluding observations, para 49

6. The concluding observations by the Committee received in 2020 were published on the official Government website.

7. Responsibility for following up on recommendations received from the Committee and other human rights treaty bodies is delegated to the relevant ministry, since managing such follow-up is most adeptly carried out by the ministry which oversees the relevant subject. The constructive dialogue between relevant ministries and the Norwegian Human Rights Institution (NIM) on improvements concerning the follow-up of treaty bodies' recommendations is valuable in this regard. Thematic dialogue meetings have been organised between civil society, relevant ministries, NIM, and the Equality and Anti-Discrimination Ombud.

B. General recommendations by the Committee

Domestic application of the Covenant

Concluding observations, paras 4-5

8. The Norwegian Constitution contains several provisions on economic, social and cultural rights, such as the freedom to join unions, the state's duty to ensure that children are provided with economic, social and health security, the state's duties towards the Sami people, the right to education, the state's duty to create conditions under which every person

capable of work is able to earn a living through their work or enterprise, the right to social security, and the right to a healthy environment. Hence, many of the fundamental rights enshrined in the Covenant have been incorporated in the Constitution. The Constitution Article 92 also establish a general duty on state authorities to respect and ensure the human rights prescribed in the Constitution and in the human rights treaties to which Norway is bound. Furthermore, the Covenant is fully incorporated into Norwegian law through the Human Rights Act, and thus takes precedence over other Norwegian laws in the event of conflict. Accordingly, it is ensured that the rights derived from the Covenant have a strong position in Norwegian law.

9. A master's degree in law is required to become a lawyer, a prosecuting attorney and a judge in Norway. The degree's study programme includes training on international law, of which the Covenant is an integral part.

10. The Lawyers Act section 30 (in force 1 January 2025), provides that lawyers must act with professional skill and have sufficient knowledge of the area of law for which they provide advice. A general requirement for post-qualifying education has also been introduced.

11. The Norwegian Courts Administration is responsible for the training of judges. Both the national training programme for judges and ad hoc seminars have addressed elements of the rights enshrined in the Covenant, including updates on judgments from the European Court of Human Rights (ECHR). The Courts Administration also organises annual visits to the ECHR. There is moreover a strong emphasis within the judiciary on the specific needs related to children's rights and the Sami, among other areas.

12. The Director of Public Prosecutions annually sets out a national directive on priorities for the Prosecuting Authority. By establishing such priorities and giving guidance on crimes related to sexual offences, domestic abuse and violence, human trafficking and labour crime, the Director is contributing to ensuring that the Prosecution Authority as-a-whole is adequately equipped with the knowledge and means to prevent and combat all forms of violence, torture and discrimination, and other human rights violations. Within the Office of the Director of Public Prosecutions, designated lawyers have human rights as their area of expertise. These lawyers are tasked with monitoring legal development in the area of human rights, as well as advising the Prosecuting Authority on related issues.

13. Ratification of the Optional Protocol to the Covenant has been considered by the Government in 2016, when it was concluded not to propose ratification. The recommendation against ratifying the Optional Protocol was made due to potential uncertainties about its consequences in the Norwegian legal system. It was maintained that ratification could limit national authorities' margin of discretion and that it could lead to increased judicialisation, especially concerning economic and social rights. The question of ratification has not been considered since.

14. According to the *Instructions for Official Studies of Central Government Measures* (The Instructions), "fundamental questions" raised by a proposed government measure must be considered in a balanced, systematic and integrated manner. This includes an assessment of relevant human rights obligations, including the Covenant. For instance, where the Covenant is relevant for draft legislation, considerations concerning conformity are included in the Government's proposition to the Storting (the Norwegian Parliament). In 2024, the purpose clause of the Instructions was revised. The Instructions now state that the purpose is also to establish a sound basis for sufficient assessment of the relation to the Constitution and international law, including human rights law. The importance of assessing implications for human rights is thus made explicit.

Extraterritorial obligations

Concluding observations, paras 6-7

15. For information on the Government Pension Fund Global (GPFG), reference is made to Norway's CCD, paras. 27-29, and to Norway's Universal Periodic Review fourth cycle National Report (2024), paras. 143-146.

16. The GPFG is a financial investor and not a strategic owner. As is stated in the GPFG's management mandate from the Ministry of Finance, the Fund's responsible investment principles shall be based on environmental, social, and corporate governance considerations in accordance with internationally recognised principles and standards, such as the UN Global Compact, the OECD Principles of Corporate Governance and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct principles (OECD Guidelines).

17. In addition, the Ministry of Finance has adopted *Guidelines for Observation and Exclusion of Companies from the GPFG* (the Guidelines). Under the Guidelines, the Fund may exclude companies whose products or conduct violate fundamental ethical norms, such as violations of the rights of individuals in situations of war or conflict, and serious or systematic human rights violations. The criteria in the Guidelines are formulated to provide room for their application to new issues arising in the areas concerned. The Guidelines were extensively reviewed by an independent Committee in 2019-20, cf. Official Norwegian Report NOU 2020: 7. For the human rights criterion specifically, the wording was revised to clarify that it encompasses all types of human rights. A new conduct-based criterion was also included to cover the sale of weapons to states involved in armed conflict where there is an unacceptable risk that the weapons may be used in military operations that constitute serious and systematic violations of international humanitarian law.

18. In August 2024, the Council on Ethics issued a letter to the Ministry of Finance, describing the Council's work regarding Israeli settlements and other activities in the Occupied Palestinian Territory (OPT). Both the Government and the Council has consistently taken the position that the Israeli settlements on the West Bank violate international law. Based on the recommendation of the Council, ten companies have so far been excluded from the GPFG due to their activities on the West Bank. In the letter to the Ministry, the Council described the recent developments in international law, including the Advisory Opinion of the International Court of Justice dated 19 July 2024, and the escalation of the Israel-Palestine conflict after 7 October 2023. On this background, the Council reported that it has started a thorough and wide review of companies in the GPFG's portfolio that carry out activities in the OPT area.

Concluding observations, paras 8-9

19. The *National Action Plan for the Implementation of the UN Guiding Principles* is continually monitored in relation to various governmental sustainability efforts, including free trade agreements. The Government ensures that business entities conduct thorough assessments of human rights risks associated with their operations, in accordance with the Transparency Act and Norway's commitment to adhering to the OECD Guidelines.

20. The Government expects all Norwegian companies to comply with international standards for responsible business conduct, including the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines. In addition, as owner, the Government has specific expectations for state-owned companies on responsible business conduct and sustainability, as exemplified in e.g., the Government's 2022 white paper on state ownership policy. For instance, state-owned companies are expected to lead the field in the work on responsible conduct, to respect human rights and workers' rights and to promote decent working conditions in the company's own activities and in its supply chain.

21. The Transparency Act (in force 1 July 2022) aims to promote companies' respect for fundamental human rights and decent working conditions, as well as to ensure public access to information on how companies handle negative impacts in these areas. The law requires approximately 9,000 companies to conduct due diligence assessments in line with the OECD Guidelines, including investigating and reporting on human rights violations in their supply chains. The Norwegian Consumer Authority has the duty and competence to provide guidance, and to supervise enterprises' compliance with the obligations in the Act. To ensure compliance, it has also been given the authority to issue administrative decisions, including prohibitions and orders.

22. The National Contact Point for Responsible Business Conduct Norway (NCP) raises awareness about the OECD Guidelines and gives advice in specific instances of alleged non-compliance to the Guidelines. The NCP conducts workshops, promotional activities, and collaboration with other Contact Points and the Consumer Authority regarding guidance on the Transparency Act.

23. The Government is in the process of evaluating the Transparency Act to identify its strengths and weaknesses. The aim is to publish a report by summer 2025. As part of the evaluation, the Government will consider how the Directive (EU) 2024/1760 on corporate sustainability due diligence (CSDDD) can be implemented in Norwegian law. The Regulation (EU) 2024/3015 on prohibiting products made with forced labour from being placed on the EU market or being exported from the EU will also be considered in conjunction with the CSDDD as part of the ongoing evaluation.

Climate change

Concluding observations, paras 10-11

24. The *Climate Status and Plan* summarises the Government's climate policy. It is the Government's annual report on the information required by the Climate Change Act. An updated *Climate Status and Plan* was presented in an appendix to the proposition to the Storting on the Fiscal Budget for 2025. In December 2024, Norway submitted its first *Biennial Transparency Report* under the Paris Agreement (resubmitted in February 2025). This report describes how Norway follows up its climate goal under the Paris Agreement in line with pathways needed to realise the Agreement's temperature goal.

25. In the international negotiations under the UN Climate Change regime, Norway puts great emphasis on human rights. This includes working to ensure that states respect, promote and consider human rights when taking action to address climate change and secure civil society's meaningful participation in all UN processes, including under the UN Climate Change Convention and the Paris Agreement.

26. The Paris Agreement is arranged in a way in which each country is accountable for emissions from its own territory and economic zone. Norwegian climate policy is based on this framework. Norway and Iceland entered into an agreement with the EU in 2019 to cooperate to fulfil their respective climate targets for 2030. Under the agreement, Norway will take part in EU climate legislation from 2021 to 2030. When Norway entered into the agreement, the EU legislation was designed to achieve emission reductions of at least 40 per cent compared with the 1990 level. The EU, Iceland and Norway have all communicated more ambitious targets to the UN after the conclusion of the agreement of 2019, and the EU has adopted amendments to its legislation in order to ensure that the more ambitious target of a 55 per cent reduction in net emissions is achieved.

27. In November 2022, Norway updated its climate target for 2030 under the Paris Agreement. Norway's updated climate target ('Nationally Determined Contribution', NDC) under the Paris Agreement is to reduce the total emissions of greenhouse gases by at least 55 per cent in 2030 compared to the level in 1990. This target is enshrined in the Climate Change

Act. Norway seeks to fulfil its increased ambition through climate cooperation with the EU. Norway is part of the enhanced EU Emission Trading System and is currently assessing whether it should take part in the updated Effort Sharing Regulation and the Regulation on land use, land use change, and forestry, and, if so, on what terms. The updated legislation will not apply in Norway until the Storting has given its consent.

28. In accordance with the Paris Agreement, in 2025, all countries must submit new climate targets for the period after 2030. In April 2025, the Government proposed a new reduction of emissions target to the Storting; at least 70-75 per cent by 2035 compared to 1990 levels. It will be reported to the UN in 2025. Norway supports more ambitious international climate policies, aiming at limiting global warming to 1.5 degrees above pre-industrial levels.

29. The Government is compelled to point out that there is no decision in Norway to "increase oil and natural gas exploitation"; the forecasted production for the period up to 2030 shows a declining rate, which is expected to continue towards 2040 and beyond. The vast majority of Norwegian oil and gas production is exported to neighbouring European countries. Europe is highly dependent on imports of oil and gas from other regions and is expected to remain so for many years to come, including in scenarios consistent with reaching ambitious climate targets.

30. Norwegian oil and gas contribute to energy security and affordability for Norway's trading partners. In addition, the production and transportation of Norwegian oil and gas generates much lower greenhouse gas emissions than alternative sources for the European market. Norway is committed to conducting a responsible and predictable petroleum policy in dealing with climate change challenges, where Norway's human rights obligations also constitute an important consideration. The Government will facilitate a continued stable level of activity on the Norwegian continental shelf, supplemented by increased activities in carbon capture and storage (CCS), hydrogen, offshore wind, aquaculture, and mineral-based industries. Reference is made to Norway's tenth periodic report (2021) to CEDAW (CEDAW/C/NOR/10) para. 174 for additional information.

31. There are continuous efforts on reducing emissions from the production of oil and gas in Norway. Emissions from oil and gas production in Norway are declining and are already significantly lower on average compared to most other petroleum producing countries. In close cooperation with the petroleum industry, the Government will work to reduce emissions from the Norwegian continental shelf by 50 per cent by 2030 compared to 2005 levels and to net zero by 2050.

32. The solutions to the world's climate and energy challenges, as set out in the Sustainable Developments Goals (SDGs) and the Paris Agreement, are global and must be solved through both global cooperation and domestic measures. Norway will contribute to achieving these goals, including helping the global energy transition and supporting the green transition. This includes committing major resources to technology development for mitigation, including offshore wind, hydrogen produced with zero or low emissions, and CCS. See the *Biennial Transparency Report* for more information.

Sustainable development

Concluding observations, para 48

33. Progress on achieving the SDGs is monitored by the Government. A progress report is submitted to the Storting annually, as part of the budgetary process. Additionally, the Government regularly submits white papers on the SDGs and it presents 'Voluntary National Reviews' (VNRs) of the progress to the UN. The latest white paper and VNR were completed in 2021 and both are due to be updated in 2025. To ensure an independent review, civil

society will be invited to assess the progress in the upcoming VNR. The assessment will be included unedited and in its entirety.

34. Norway spends approximately one per cent of its gross national income on development aid each year to combat poverty and promote economic development and welfare in developing countries. Importance is attached on being consistent and predictable. In its efforts to achieve all of the SDGs, Norway is working to further develop national and global partnerships and strengthen cooperation with actors that can make constructive and innovative contributions, by providing financing and other solutions. Norwegian development cooperation is committed to strengthening human rights globally. Strengthening women's rights and gender equality remains a priority, including sexual and reproductive health and rights. Inclusion and empowerment of groups in vulnerable situations, including persons with disabilities, children and young people, as well as the LGBTIQ+ community, are emphasised. Norway cooperates with multilateral partners as well as partners from civil society, including national and international organisations. Local ownership, localisation and sustainability are all important aspects of Norwegian development cooperation.

Data collection

Concluding observations, paras 12-13

35. Statistics Norway, the national statistical institute, does not produce statistics on ethnic background. Reference is made to Norway's combined twenty-fifth to twenty-seventh periodic reports to CERD (2023) (CERD/C/NOR/25-27) paras. 4-12 for further information.

Legal aid

Concluding observations, paras 14-15

36. The Legal Aid Act was reviewed by an independent committee in 2018-20. The Committee's recommendations regarding the financial terms for legal aid (means testing) have resulted in amendments to the legislation, which will strengthen the right to legal aid. When these amendments enter into force, about 33 per cent of the population will be financially eligible for means-tested legal aid. In the meantime, the legal aid scheme has been strengthened by increasing the personal income and asset limits considerably. In April 2025, the Government presented a second proposition for amendments to the Act, regarding the types of cases covered by the scheme. If these changes are adopted by the Storting, the legal aid scheme will be further strengthened.

Part II

A. General provisions of the Covenant

Article 2 Realisation of rights, equality and non-discrimination

Realisation of rights

37. Reference is made to Norway's CCD parts II and III.

International economic and technical assistance and cooperation

38. For information on Norwegian development cooperation, see para. 34 above. Norwegian development policy and aid have defined four intersecting considerations: human rights, women's rights and gender equality, anti-corruption, and climate and environment. Where there is a risk of unintended negative consequences on intersecting considerations, it is expected that grant recipients shall implement measures to mitigate these risks.

39. Since climate change, conflicts, and rising global food and energy prices affect women harder than men, Norway is a driving force for girls' and women's rights in development cooperation, cf. e.g., the Government's 2023 action plan for women's rights and gender equality in Norway's foreign and development policy. Efforts for women's sexual and reproductive health and rights, including the right to decide over their own bodies, shall be strengthened, and gender-based violence shall be combated. Women must also be given equal opportunities to participate in the workforce and have influence on societal and democratic development.

40. Digital inequality must be reduced. Norway's leadership in the development and sharing of digital public goods and the promotion of basic public digital infrastructure is part of its effort to achieve a safe, fair, and inclusive digital future for all. Norway gives priority to closer international health cooperation and strengthened global health preparedness so that the world can prevent, detect at an early stage, and respond quickly to new or persistent infection threats and resistance development. Norway contributes to the financing, development, and equitable distribution of vaccines and other health technologies that the market alone does not deliver. Through political leadership, diplomacy, and financial support, Norway will continue to be an active advocate for fair global cooperation on pandemic management and health preparedness.

41. Norway is additionally working to ensure that countries in need receive necessary and rapid debt relief. Norway continues to work for responsible borrowing and lending. Norwegian aid is provided through multilateral organisations, Norwegian and other non-governmental organisations, as well as the public and private sectors. Core support to the UN's funds, programmes, and specialised agencies, the World Bank, and the regional development banks is particularly important to ensuring a rapid, coordinated response in crisis situations.

Non-discrimination

42. Reference is made to Norway's CCD part III and to Norway's tenth periodic report (2021) to CEDAW, paras. 18 and 20-21. Norway has robust anti-discrimination legislation protecting individuals against discrimination, with particularly strong protection in employment, cf. the Equality and Anti-Discrimination Act and the Working Environment Act. The principle of non-discrimination is also enshrined in Article 98 of the Constitution, elevating a key human right to a part of the Constitution itself.

43. The equality and anti-discrimination legislation is enforced by the Equality and Anti-Discrimination Tribunal, while the Equality and Anti-Discrimination Ombud (LDO) promotes equality and offers guidance to individuals on their rights. A 2024 legal review of this enforcement mechanism, commissioned by the Government, indicates that it largely functions as intended. The review suggests some legislative and administrative adjustments, and the Government is considering following up the recommendations.

44. Norway is a diverse society, and it is important that this is reflected in boards, committees, and tribunals. There has been some concern regarding diversity amongst the members of the Tribunal. When new members were appointed to the Tribunal in 2024, the Government strived to ensure greater diversity among its members.

45. The Government intends to draft a legislative proposal in 2025 to incorporate the United Nations Convention on the Rights of Persons with Disabilities (CRPD) into the Human Rights Act.

46. Although there has been positive development in many areas, many Sami still experience discrimination, prejudice, and harassment. In January 2025, the Government for the first time launched a dedicated national action plan against hate and discrimination against the Sami. The Government collaborated with the Sámediggi, to ensure that Sami

people's perspectives and experiences are integrated and addressed in the action plan. The action plan contains 32 measures aimed at preventing and combating harassment and discrimination of the Sami. Among them is a pilot project on establishing a branch of the LDO in Northern Norway. The branch will provide guidance and assistance to Sami persons facing discrimination and contribute to ensuring the development of equitable services for them.

47. Another measure is the adaptation of the "family council model" to better suit Sami families and support the unique needs of Sami children and families. The Government will also enhance the competence of municipal employees on racism and discrimination against the Sami and facilitate a regional gathering for knowledge sharing and competence building. These initiatives will contribute to a better understanding and handling of discrimination against the Sami people within local services. Furthermore, the Labour and Welfare Administration (NAV) has made its North Sami telephone line permanent, ensuring that Sami-speaking users can communicate in their own language. Additionally, North Sami will be used as a working language in the local social service NAV Ávjovárri partnership between Kautokeino/Guovdageaidnu and Karasjok/Kárášjohka. Within the police, measures will be implemented to increase knowledge and understanding of Sami culture, history, and rights, and to recruit staff with Sami language and cultural competence.

48. Concern has been raised about the police's creation of an overview of persons from the Roma community, which was done in relation to specific criminal investigations and for crime prevention purposes only. The Data Protection Authority has reviewed the case, and has concluded that their investigation did not reveal any processing of personal data in violation of the Police Databases Act. The Authority considered it clear that the Act provides a legal basis for the overview and it was particularly emphasised that the starting point had been criminal offenses and concrete investigations. However, it is understood that this matter has been challenging for the Roma community, regardless of the legality assessment. The police are working on dialogue and trust-building efforts towards the Roma community. The National Police Directorate has moreover initiated significant efforts to enhance the work of the police in general related to diversity, equality and anti-discrimination. The measures include the creation of an action plan on diversity, dialogue and trust.

49. It is understood that persons with a national minority background have experienced difficulties in changing their names to their traditional family names. As a result of previous assimilation policies, names have in some cases been subject to "Norwegianisation" and thus fallen out of use. However, the Names Act allows individuals belonging to a national minority to adopt a name that has fallen out of use. The Act section 4, para. 1, number 9, allows the use of protected surnames to which one has a special connection, through family or otherwise, regardless of the restrictions on protected surnames set out in section 3. The aim is to allow individuals with connections to national minorities the opportunity to adopt previous family names. The preparatory works explain that this may, for example, apply to a name that has disappeared from the family due to previous assimilation policies. In such cases, particular flexibility is to be exercised by public authorities regarding e.g., the documentation requirements when applying for the name change.

50. Concerns have been raised by civil society about whether the implementation of the Security Act regarding personnel security may be in conflict with Norway's human rights obligations. Requirements for personnel security are necessary to counter insider threats, thereby strengthening national security. In light of the current international security situation, it is crucial to have control over who gets access to classified information and our protected objects and infrastructure. Security clearance decisions are based on individual complex, discretionary, and security-related assessments. The Security Act imposes strict requirements on clearance authorities to safeguard the individual's legal rights, including requirements for case information and to provide information about the concerns which led to security

clearance being denied, when relevant. At the same time, it is important that the clearance regime balances this concern against that of national security, as both concerns are very important for the trust and legitimacy in the clearance system. It follows from current provisions on security clearance that decisions on security clearances shall be based on individual assessments in accordance with the law and the rights of the person being subject to security clearance. In a 2025 white paper on total preparedness, the Government states that it will strengthen personnel security through a clearance system that is fit for the future. It is important that the authorities' work on security clearances effectively contributes to countering threats, while concurrently safeguarding the individuals' rights.

Concluding observations, paras 20-21

51. The 2020 action plan on racism and discrimination contained 50 measures in nine different areas. The Government has, among other things, collected new knowledge about racism and discrimination that foreign-born adoptees in Norway experience. A forum on anti-Muslim hostility was introduced. The Government has funded three surveys on the population's attitudes to ethnic and religious minorities (2012/2017/2022). These have enabled the Government to follow developments over time, and to develop measures to combat antisemitism and anti-Muslim hatred in particular. A new study will be completed in 2027.

52. Building on the 2020-2023 action plan, the Government launched a renewed action plan in November 2023, *Action Plan on Racism and Discrimination – New Initiatives 2024–2027,* which contains 50 measures aimed at protecting all groups subject to racism and discrimination. The plan has a particular emphasis on inclusion in the labour market and the challenges young people face. The action plan also prioritises initiatives in municipalities and local communities. The measures contained in the action plan will be implemented between 2024 and 2027.

53. In accordance with the action plan, the Directorate for Children, Youth and Family Affairs (Bufdir) has prepared an e-learning course for municipalities and municipal employees on equality, diversity, and non-discrimination. The course offers inspiration and helps to ensure compliance with public authorities' duty to work actively on these matters and their reporting obligations, cf. the Equality and Anti-Discrimination Act. The Government will conduct a mid-term report on the status of the measures which it will use as a basis for further efforts and discussions with, amongst others, municipalities, workers' and employers' organisations, and the voluntary sector to ensure the implementation of further measures to combat racism and discrimination.

54. In 2021, the Introduction Act was replaced by the new Integration Act. One of the objectives of the Integration Act is that more refugees shall gain formal education through the Introduction Programme. The target group for this programme under the new act is however the same as under the Introduction Act.

55. The Integration Act contains provisions concerning responsibilities of the municipalities and the counties for offering qualification to newly arrived refugees. The Act includes so-called "early qualification", the Introduction Programme and the scheme referred to as "Norwegian language training and social studies". The Introduction Programme may last from three months to four years. The duration of the programme will vary depending on the participant's educational background and competence, and the participant's individual "programme goal". Participants in the programme are entitled to an 'Introductory Benefit'.

56. Proposals for changes to the Integration Act were sent for public consultation in the autumn of 2024. The proposals aim, i.a., to increase the use of formal qualifications and vocational training within the Introduction Programme, and follow up on proposals from the Government's 2024 white paper on integration. The Government presented a legislative proposal in April 2025.

57. Persons with an immigrant background may also be eligible for the Qualification Programme. The Qualification Programme is targeted at persons with significantly reduced earning ability and who need extra follow-up to be able to enter employment. The programme may include activities such as Norwegian language courses, housing follow-up, and individual follow-up and guidance. Participants receive a standardised income support ('Qualification Benefit'). The programme can be granted for a period of up to two years but can be extended following an individual assessment.

58. Due to the high number of displaced persons from Ukraine, the Government has implemented temporary amendments to several laws, including the Integration Act. The purpose of the amendments is to ensure that the system is flexible enough to receive and include an extraordinarily high number of refugees. Another purpose is to help displaced persons enter the labour market quickly. Several measures to increase the employment rate among this group have also been implemented. For example, the Government has established a national system for digital Norwegian language training, which will make language training more flexible and easier to combine with work. On 1 February 2023, the Public Roads Administration implemented a policy extending the recognition of Ukrainian driving licenses in Norway from 12 months to the duration of collective protection for Ukrainian refugees, up to three years.

59. Since 2023, the Directorate for Higher Education and Skills (HK-dir) has been responsible for recognition of foreign education and training, and for providing information and advice relating to the recognition of foreign education, training, and vocational qualifications. HK-dir provides a range of services related to recognition and information on foreign education, including, for instance, a scheme for general recognition of foreign higher education that includes verification and is primarily aimed at occupations for which there are no legal qualification requirements. Regarding the recognition of qualifications held by refugees, displaced persons, or persons in a refugee-like situation, the Directorate is responsible for an interview-based recognition procedure for people with insufficient or unverifiable documentation of their higher education (the 'UVD procedure').

60. HK-dir is the assistance centre in Norway for the EU Professional Qualifications Directive and provides information to professionals about the directive, Norwegian legislation, and regulated professions. There are also 17 different authorities with competence to recognise professional qualifications, depending on the type of qualification in question.

61. NAV offers services and measures to immigrants who are outside the labour market. The so-called 'training measure' is the labour market initiative in which immigrants most frequently participate, which can be explained by the fact that many non-employed immigrants have insufficient or unrecognised education and may need to enhance their skills to enter the workforce. NAV is also an important partner for the municipalities in the Introduction Programme (cf. para. 55). It can assist with market and inclusion skills and job matching and will consider participation in other labour market measures for participants in the Introduction Programme. Pay subsidies, job training, mentoring, and training measures are among several market initiatives that can be relevant in this regard.

62. Norwegian housing legislation contains general prohibitions against discrimination, including ethnic and religious discrimination. To further reduce prejudice in letting dwellings to persons with an immigrant background or others who are disadvantaged in the housing market, the Norwegian Tenants Association offers advice, courses and information material to all municipalities to assist them with housing. The Government will also initiate dialogue with actors in the rental market to reduce discrimination and increase knowledge on rights and responsibilities among tenants and landlords.

63. As a part of the renewed *Action Plan on Racism and Discrimination*, cf. para 52, NAV has been tasked with ensuring the facilitation of multicultural competence and attitudinal

awareness in interactions between NAV, its service users and employers. NAV has developed guidelines to prevent discrimination in connection with its recruitment, inclusion, and mediation efforts. These guidelines address the value of ethnic diversity as a resource. NAV's employees are required to be well-versed in the guidance materials and the relevant anti-discrimination legislation. In collaboration with, among others, the Directorate of Integration and Diversity (IMDi), NAV is to carry out activities aimed at enhancing the knowledge of the advantages of diversity in hiring practices.

64. Everyone should be able to use public services regardless of which language they speak. Therefore, anyone who receives guidance and advice from NAV, including social services administered by the municipalities, is entitled to an assessment of their need for a professional interpreter. Good communication and mutual understanding between the service user and the adviser is critical to ensuring user involvement and that users have access to good and well-adapted services.

65. The Government introduced a new *Action Plan Against Antisemitism 2025–2030* in November 2024 and a new *Action Plan Against Anti-Muslim Sentiment 2025–2030* in December 2024. These action plans are part of the Government's work to strengthen and renew efforts against racism, hate speech and discrimination based on ethnicity and religion.

Effects of measures

66. The effects of specific anti-discrimination measures can rarely be analysed in isolation from each other, since such measures often interact with each other over time, creating cumulative positive impacts and effects on equality. For an overview of equality development in Norway, reference is made to Norway's Beijing Declaration and Platform follow-up report section two (2024), and the *Voluntary National Review Norway* (2021) report, sections 6.2.5 and 6.2.10 and its *Statistical Annex* pp. 30-33 and 48-51.

67. However, Bufdir conducts several research and evaluation projects each year as part of the implementation of various white papers, action plans and strategies. The Directorate has developed an indicator set that covers, i.a., gender equality, discrimination and living conditions among vulnerable groups. The statistics provide information on, e.g., different groups' experience with discrimination and harassment, participation in education and the labour market, and the population's attitude towards minorities. This information is currently only available in Norwegian on the Directorate's website.

68. The Ministry for Culture and Equality has started drawing up proposals for a cross-sectoral strategy for research and development. The work aims to contribute to a more targeted and comprehensive effort for research and innovation in the fields of equality and anti-discrimination, across societal sectors and grounds of discrimination. The goal is to ensure relevant and up-to-date high-quality knowledge as a basis for policy, legislation, and service development in the coming years.

Article 3 Equality between men and women

69. In December 2024, the Government strengthened and renewed its commitment to gender equality through launching a new equality strategy as well as a white paper, on sexual harassment. The strategy has six main goals that consolidate national efforts to address important challenges in the field of gender equality. Sets of indicators have been developed to annually track progress on each of the strategy's six main goals, making it possible to adjust the course if needed. Bufdir has been tasked with updating the indicators.

70. The white paper provides the first ever compilation of knowledge on the extent of sexual harassment across various areas in society, in the workplace, education and schools, cultural and leisure activities, voluntary work, sports, and on the Internet. It also offers a comprehensive overview of relevant regulations, actors, and tools in the work to prevent

sexual harassment. Seven goals with corresponding measures are outlined to guide future work to combat sexual harassment.

71. To ensure an effective gender equality policy, it is essential to also have a comprehensive overview of the equality challenges faced by boys and men throughout their lives. In 2022, the Government therefore appointed a public committee on men's equality. It was tasked with examining the equality challenges that boys and men encounter, which contribute to social exclusion and hinder a gender-equal society. In its report the Committee proposes 35 measures organised under four action areas: "men as caregivers", "gender differences in the labour market and education", "vulnerability and health" and "a gender equality policy for all". The Government has decided to present a white paper to the Storting on the equality of boys and men as a follow-up to the report, which is scheduled to be presented in 2026.

72. Through the Equality Centres, the Government contributes to a nationwide structure for equality work. In 2024, a new centre was established in Western Norway. This is the fifth centre dedicated to working with equality issues. All regions of Norway are now covered. The centres are important partners for the authorities in several priority areas. One of the centres, 'Reform', has a particular focus on men's issues. All of the centres engage in long-term advocacy and development work for equality. The public, private, and voluntary sectors, as well as the general population, are target groups for this work. The centres also have a responsibility to develop an experiential knowledge base and manage expertise on practical equality work. The centres will receive a total of NOK 28,45 million in funding in 2025.

73. To tackle the gender-segregated labour market and improve the gender balance in education, the Government supports several role model projects. For example, the Government funds the project "Boys into Healthcare Professions". The aim of the project is to recruit more boys into the health and care sector. In 2024, the project was expanded into a regional initiative in the three northernmost counties. In the new gender equality strategy, one of the measures is to develop the project into a national, multi-year initiative. The Government also supports the "Girls and Technology" programme. This project aims to increase the proportion of women studying technology subjects at all levels in the educational system. "Girls and Technology" engages with approximately 10,000 young people annually. The majority of participants report that they have more knowledge about the opportunities within technological fields after participating.

Employers' duties

Concluding observations, paras 16-17

74. The duty to promote gender equality and to issue a statement ("the activity and reporting duty") in the Equality and Anti-Discrimination Act was strengthened with effect 1 January 2020. The Act now explicitly states that employers and public authorities, in all their equality efforts, must make active, targeted, and systematic efforts to prevent harassment, including sexual harassment, and gender-based violence. For public authorities, countering stereotyping is also explicitly listed. Public authorities have an obligation to report, both in their role as employers and in their role as a public authority, cf. the Act sections 24 and 26. Moreover, all public and private employers of a certain size must follow a statutory activities methodology, in accordance with the Act section 26. Reference is made to Norway's tenth periodic report (2021) to CEDAW paras. 20-22 for further information regarding the activity and reporting duty and the monitoring and enforcement mechanisms. See also Norway's combined twenty-fifth to twenty-seventh periodic reports (2023) to CERD paras. 84 and. 100.

75. Bufdir has developed guidance materials, webinars and indicators to help support public authorities at various administrative levels to improve their equality efforts in line with the strengthened requirements for public authorities to promote equality and to report.

Moreover, the Government has tasked County Governors with helping drive the municipalities' active equality efforts. The Directorate has therefore engaged in close dialogue with the County Governors and the Norwegian Association of Local and Regional Authorities (KS) regarding the municipalities' equality work. Furthermore, County Governors must ensure that equality issues, methods, and goals are known and practised within their own organisation and activities. In the spring of 2024, the Directorate launched an e-learning course for employees and managers in the public sector on equality, inclusion, and diversity in the services and administration of the public sector.

76. To equip employers in their work with equality and help them conduct surveys in line with the requirements in the Act, Bufdir has developed relevant guides, survey forms, templates, and webinars. Furthermore, the Directorate has conducted information campaigns to make employers aware of their obligations and inform them about the guidance material that is available.

77. The strengthened activity and reporting duties for employers that came into force in 2020 have yet to be evaluated. However, to know more about which factors that promote or inhibit active equality efforts, Bufdir is funding a major multi-year research project which aims to develop new knowledge about employers' and public authorities' activity and reporting duties. Furthermore, the Institute for Social Research has studied the significance of the duties for employers' and public authorities' active gender equality work. The Institute finds a marked increase in the prevalence of terms describing diversity and equality work according to the new requirements between 2019 and 2021, with a doubling of the terms "diversity" and "woman" in the surveyed companies' annual reports.

Parental leave and equal pay

Concluding observations, paras 22-23

78. Reference is made to Norway's CCD para. 198. In 2021, 96 per cent of all families used their full entitlement to parental leave. Almost all parents in Norway therefore utilise the full parental leave benefit, which includes fathers being home with their child for at least 15 weeks. Families usually decide for the mother to utilise the entire shared period of the leave. In surveys, fathers generally respond that they are satisfied with the length of the father's period and do not want a larger part of the shared period. The Government could increase the parental leave period reserved to the father to increase their share, but this would lead to a shorter period available to mothers.

79. Discrimination in pay on the grounds stated in the Equality and Anti-Discrimination Act section 6 is illegal, cf. section 29. Reference is made to Norway's tenth periodic report (2021) to CEDAW paras. 118-119. Women still earn learn less than men, but the pay gap, i.e., the difference in women's and men's average monthly salary, has decreased over time, from 14.7 per cent in 2015 to 11.8 per cent in 2024.

80. Over several years, the Ministry of Culture and Equality has initiated multiple research projects to shed light on the persistent gender pay differences. The Government is currently evaluating the results from these reports. The Ministry of Culture and Equality will acquire new knowledge about differences between women and men in terms of income and other economic resources, such as wealth, ownership, and shares.

B. Individual rights guaranteed by the Covenant

Article 6 Right to work

81. Reference is made to Norway's CCD paras. 234, 236 and 241-242 for information on legislation and policies etc. regarding the right to work.

82. In 2024, the Government published a white paper on active labour market policies. In the white paper, the right to work is supported through proposed measures that aim to ensure more opportunities in the labour market. Labour market measures are among the most important instruments for getting more people into work. The Government proposes to strengthen and enhance the overall use of labour market measures, including to reinforce its efforts for young people, e.g., through a pilot project with a work-oriented youth programme. The importance of cooperation between the labour, health, and education sectors to get more people into work is emphasised.

83. The Working Environment Act sections 14-2 and 15-7 on preferential rights and protection against unfair dismissal have been amended (from 1 January 2024). The law now provides that if an employee has been dismissed owing to circumstances relating to the undertaking and the employer belongs to a corporate group, the employee also has a preferential right to a new appointment with other undertakings in the group, unless the vacant post is one for which the employee is not qualified. Moreover, if the employer belongs to a corporate group, the dismissal is not objectively justified if there is other suitable work in other undertakings in the group to offer the employee.

Vulnerable groups and employment

84. Immigrants, young people, the long-term unemployed and the disabled are key target groups for Norwegian labour market policies. In October 2023, immigrants constituted 50 per cent of the (open, registered) unemployed, and the share of immigrants taking part in labour market measures (for the unemployed) was 60 per cent. Refugees and their family members between the ages of 18 and 55 are offered the 'Introduction Programme'. The aim of the programme is to give participants basic knowledge of the Norwegian language and society and to prepare them for employment or further education.

85. In addition to the legally regulated measures for newly arrived immigrants, such as the Introduction Programme and Norwegian language training, specific measures have been developed for helping immigrants in general into employment. For instance, the IMDi, HK-dir and NAV are working to increase the use of professional and vocational training for adult immigrants. IMDi also manages the 'Job Opportunity Programme', which is a grant scheme that aims to help stay-at-home immigrant women into the labour market. The inclusion of immigrants into the labour market occurs both through general work-orientated efforts by NAV and through the efforts of municipalities and civil organisations. Reference is made to Norway's CCD paras. 48-51 for more information.

86. The labour market policy also provides for specific guarantees for vulnerable groups. In July 2023, the Government introduced a new and reinforced 'Youth Guarantee'. The Youth Guarantee will ensure that young people aged 16 to 30 receive early intervention and close follow-up for as long as necessary. This will help to reduce periods of passivity outside of work and education. The aim is to get more young people into ordinary work.

Concluding observations, paras 18-19

87. While the National Inclusion Initiative as such was not prolonged by the current Government, corresponding measures and priorities have been continued. Labour market measures aim at contributing to increased participation in employment and reduced unemployment and to combating exclusion by helping people find work and become active. The measures should be customised to the individual's needs and help increase their chances of getting or keeping a job. The measures provide opportunities for adaptation so that people with disabilities can work and study.

88. The 'Functional assistance in the labour market' measure is intended to help participants obtain and retain ordinary work and can be arranged for people with physical disabilities and to blind or severely visually impaired people. People with mobility

difficulties due to a disability can be offered financial support for travel to work and education. Furthermore, the National Insurance Act provides benefits for improving the ability to work and are granted to insured persons who, due to illness, injury or disability, have had a permanent reduction of their ability to work, or have had the choice of occupation or workplace considerably reduced. Benefits are granted in connection with measures that are necessary and appropriate in order to obtain or retain suitable work. Reference is also made to Norway's CCD paras. 51-52.

89. The requirements for universal design of ICT are stipulated in the Equality and Anti-Discrimination Act section 18, cf. Regulations on universal design of ICT solutions. In the preparatory work to this Act, it was stated that the Government would assess whether businesses should be required to ensure universal design of both physical conditions and ICT in the workplace, or only ICT, or only websites as required by the EU Web Accessibility Directive. In 2022, it was decided that the assessments should initially focus on ICT solutions. Following this decision, the Government obtained a legal assessment, in which it was concluded that the national legal requirements for universal design of ICT solutions in the workplace are limited and that the potential for barriers within ICT were still significant.

90. The Government also obtained a socio-economic analysis that assessed the consequences of imposing further obligations on businesses for universal design of ICT solutions in the workplace. This analysis concluded that an obligation for universal design can be economically beneficial for society. In October 2024, it was announced that the Government will review the legal framework to clarify the need for further regulation of universal design of ICT solutions in the workplace.

Article 7 Right to just and favourable conditions of work

Salaries and working environment

91. Reference is made to previous reports to the Committee, including the fifth periodic report paras. 183-202, and Norway's tenth periodic report to CEDAW, paras. 116-124, as well as Norway's CCD para. 233.

92. The salary level in Norway is comparatively high. According to Statistics Norway, the average monthly salary for all occupations in 2023 was NOK 56,360. The 10 per cent of employees with the lowest salary were paid NOK 29,760 per month in 2023, and NOK 27,920 in 2022. Wage growth from 2022 to 2023 was 5.3 per cent on average, compared with 4.1 per cent the previous year. Monthly wages include agreed salaries paid, irregular increases in salary, bonuses and commissions. Supplements for overtime work are not included.

93. With effect from 1 January 2024, the Working Environment Act section 7-1 was amended, with the threshold for the obligation to establish 'working environment committees' being lowered, so that undertakings that regularly employ 30 (previously 50) employees shall have a working environment committee on which the employer, the employees and the occupational health service are represented.

Sexual harassment

94. The Anti-Discrimination Tribunal decided on the following number of cases regarding sexual harassment in the period 2021-2024: 26 cases in 2021, 23 cases in 2022, 23 in 2023, and 19 cases in 2024. These numbers include both cases regarding violation of the prohibition against sexual harassment (cf. the Equality and Anti-Discrimination Act section 13, para. 1), and violations of the employer's obligation to preclude and seek to prevent sexual harassment (cf. the Act section 13, para. 6).

95. From 2020 to 2024, the Tribunal decided in a total of 73 cases of violation of the prohibition against sexual harassment. Most of the cases (52) concerned sexual harassment

in working life. Of the 73 cases in this period, a violation was found in 16. The Tribunal awarded redress in four cases and compensation in two.

96. In the same period, the Tribunal decided in a total of 21 cases regarding violation of the duty of the employer and management in organisations and educational institutions to preclude and seek to prevent sexual harassment. Of these cases, 18 concerned sexual harassment in working life. A violation was found in four of these. The Tribunal does not have the authority to award redress or compensation in cases regarding the Act's section 13, para. 6 (obligation to preclude and seek to prevent).

97. Between 2019 and 2024, the Equality and Anti-Discrimination Ombud received the following number of requests for guidance regarding sexual harassment: 71 in 2019, 78 in 2020, 94 in 2021, 78 in 2022, and 87 in 2023. The majority of the requests are from individuals regarding concrete cases.

98. Few cases regarding sexual harassment are brought before the ordinary courts. For information regarding the first case regarding sexual harassment before the Supreme Court, see Norway's tenth periodic report to CEDAW, paras. 26-27. See also paras. 18, 41-42 and 135-144 for more information on sexual harassment.

Occupational safety and health

Concluding observations, paras 24-25

99. Accidents at work can occur in all industries, although, as is noted by the Committee, some industries are more exposed than others because they to a greater extent involve tasks characterised by higher risk. Such industries are typically building and construction, transport and storage, industry and agriculture, and forestry and fishing. Within these industries, there are some work operations that are riskier than others, and there may also be certain groups of workers who are more exposed to risk than others, for example young workers and foreign workers.

100. The Labour Inspection Authority contributes to preventing work-related accidents through the use of both inspection and guidance to raise awareness and train employers and workers about relevant risk conditions and how these should be handled in order to prevent accidents. In recent years, the Authority has received a budget increase to strengthen its inspection activities. The Authority organises its work in a risk assessment-based manner and prioritises its efforts in the most accident-prone industries i.e., where the Authority's efforts will have the greatest effect. Since 2014, a special collaboration has been carried out between the working environment authorities, including the Labour Inspection Authority, and the construction industry. Through the collaboration an annual report is drawn up, in which an updated status of trends etc. in occupational fatalities is provided. The report aims to identify characteristics and causes of fatal accidents in land-based working life and to propose recommendations for better prevention efforts.

101. Based on a methodology that has been designed through statistical cooperation in Eurostat, Statistics Norway initiated a project in 2023 to strengthen the knowledge base related to occupational diseases in Norway. The purpose of the project is to establish new official statistics on occupational diseases in Norway.

102. Through the tripartite cooperation for a more inclusive working life (the 'IA Agreement'), a national working environment initiative was established in 2019. Labour authorities, including NAV, the Labour Inspection Authority, the Ocean Industry Authority and the National Institute of Occupational Health (STAMI), develop and organise this initiative which contributes to more enterprises working in a systematic, knowledge-based, and preventive manner. The initiative strengthens and motivates joint efforts, and includes targeted industry and workplace-oriented knowledge, and communication and guidance in preventive working environment efforts.

103. The National Occupational Health Surveillance's (NOA) mandate includes relevant tasks such as data collection, and systematising and disseminating knowledge about working environment factors, occupational safety, and health outcomes. Surveillance activities involve data on labour force demographics, the occurrence and distribution of health hazards in Norwegian workplaces, work-related health outcomes including injuries, and activities aimed at modifying or eliminating risks.

104. The Labour Inspection Authority collects and publishes statistical data over occupational deaths that have occurred within land-based activities in Norway. Occupational deaths that occur offshore, at sea, or as part of aviation activities are not, however, included in these statistics. Occupational deaths that occur in connection with military activities are included, with the exception of deaths in combat.

105. During the period 2019-2023, the Authority registered a total of 141 cases of occupational deaths in connection with land-based activities. There were fewer occupational deaths in 2023 compared to recent years, with 26 registered deaths in 2023 compared to 29 in 2019. Although the variations are small, the Authority has observed a slight downward trend. The two industries with the most occupational deaths were construction and transportation and storage.

Article 8 Right to form and join trade unions

106. The Government reports to the ILO on the implementation of ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise and ILO Convention No. 98 concerning the Right to Organise and Collective Bargaining, and reference is made to these reports (both 2024, see annex).

Article 9 Right to social security

107. Reference is made to Norway's CCD para. 26 and paras. 243-245 for information concerning Norway's National Insurance Scheme. Reference is also made to Norway's Consolidated Report on the application of ILO Conventions Nos 12, 42, 102, 128, 130, 168, 183 & the European Code of Social Security part I (2024, see annex) and the resource *The Norwegian Social Insurance Scheme 2025*, sections 1 and 2. Most benefits from the National Insurance Scheme are determined in relation to a 'basic amount', which is adjusted by the Storting at the latest by 1 May each year, in accordance with changes in the general income level. The basic amount as of May 2024 is NOK 124,028.

Health

108. The Norwegian legal framework for public health services is designed to ensure that everyone in Norway has equal and professionally adequate health services, regardless of gender, age, type of illness, place of residence or income. Norwegian residents contribute through co-payments for certain services, but once the annual cost threshold is met, further co-payments are waived under the 'free card' (*frikort)* system, ensuring equitable access to necessary health care. The fee rates are adjusted annually.

109. Persons staying in Norway who are not covered by the National Insurance Scheme or corresponding reciprocal agreement with another state, must pay for the medical treatment they receive. This also includes undocumented migrants. It is, however, not permitted to refuse to provide emergency health care to a person on the grounds that the person is unable to pay.

Children and parental benefits

110. Reference is made to Norway's fourth periodic report (2008) to the Committee on the Rights of the Child (CRC) (CRC/C/NOR/4) paras. 214-221 regarding child maintenance payments, and to paras. 333-339 regarding social security and child care services. Reference

is furthermore made to the *Social Insurance Scheme 2025* (see para. 107) section 10.3 regarding cash benefit in the case of maternity and adoption.

111. Child benefit is granted as a fixed sum and is paid for all children under the age of 18 years who live in Norway. As of 1 January 2025, the monthly amount is NOK 1,766 per child aged 0-5 (a total of NOK 21,192 p.a.) and NOK 1,510 per child aged 6-17 (a total of NOK 18,120 p.a.). Additional child benefit and supplements may be paid to single parents. Additionally, from 1 July 2024, parental benefit with an 80 percent pay-out have increased from 59 weeks to 61 weeks and one day.

112. Women who do not qualify for parental benefit are entitled to a lump sum maternity grant, which as of 2024 is NOK 92,648. The amount of the lump sum grant is stipulated by the Storting. The grant is not subject to tax. In the case of multiple births or adoptions, the grant is payable for each child. Women who are entitled to a maternity grant from the State Educational Loan Fund will receive this in addition to the lump sum grant.

Old-age pension

113. Reference is made to the *Social Insurance Scheme 2025* (see para. 107) section 4 regarding old-age pensions and Norway's Consolidated Report on the application of ILO Conventions Nos 12, 42, 102, 128, 130, 168, 183 & the European Code of Social Security part V regarding old-age benefits (2024, see annex).

114. A new, general old-age pension system was introduced in 2011, allowing flexible drawing of old-age pensions for persons aged 62 to 75. According to the former provisions, the old-age pension consists of a basic pension, a supplementary pension and/or a special supplement. According to the new provisions, the old-age pension consists of an income-based pension, calculated on the basis of previous income. A guaranteed pension will be granted to persons who have earned no, or only a small, income-based pension. The current minimum pension according to the former rules is NOK 446,716 a year, while the current guaranteed pension according to the new rules is NOK 432,452 for a household with two pensioners who have each resided in Norway for at least 40 years between the ages of 16 and 66. The annual adjustment to the 'basic amount' results in increases in the pension amount received by pensioners, including those who receive the minimum pension.

115. The provisions of the National Insurance Act are gender neutral, and only make reference to "members" of the scheme. Thus, the pensionable age and the requirements for qualifying periods, etc., are the same for both men and women. The pension amount is identical for persons with identical pension earning profiles, irrespective of gender.

116. It is the Government's view that the Norwegian minimum pension is sufficient to ensure an adequate standard of living for recipients and their families. The OECD draws the poverty line at households with a disposable income of less than 50 per cent of the median disposable income per household. Within the EU, people who fall below 60 per cent of the median income are said to be at risk of poverty. In 2022, the median income in Norway was NOK 590,400 per household, after tax. NOK 295,200 amounts to 50 per cent, and NOK 354,240 amounts to 60 per cent of this. As mentioned above, a household with two pensioners will receive a minimum pension of NOK 446,716 or a guaranteed pension of 432,452 per year, from which no deductions for tax or social security contributions will be made.

Social security assistance and programmes

117. According to the Social Services Act, persons who are not able to support themselves by working or by other means are entitled to financial social assistance. The labour and welfare services at the municipal level are responsible for providing financial social assistance. The Social Services Act contains no fixed amounts concerning the level of financial assistance provided, but every person must be secured an adequate living. The benefit amount is determined on the basis of an assessment of the needs of each individual

applicant. Financial social assistance is the lowest financial safety net in the social security system and is a subsidiary benefit for the individual recipient.

118. Since 2001, the Government has issued guidelines with recommended rates of financial social assistance. The guidelines include everyday living expenses. Housing expenses, electricity and heating costs and other special expenses are not included in the recommended rates, and are covered separately. In order to improve the economic situation and living conditions for those receiving social assistance benefit, the recommended rates for financial social assistance were increased by 10 per cent from 1 July 2023. On behalf of the Ministry of Labour and Social Inclusion, Consumption Research Norway (SIFO) has updated the scientific basis for daily living expenses that are included in the guidelines. SIFO recommends that all rates should be increased, especially those for the oldest children. The SIFO report is being assessed by the Ministry in a wider context, including how the level of the rates may affect the transition to work, and the relationship to other forms of benefit.

119. Children's special needs and interests are to be taken into consideration in the calculation of financial social assistance to families with children. Children must be ensured a safe upbringing and the ability to participate in normal school and leisure activities. NAV has issued a guide to all employees, with the aim of building competence and ensuring that children's interests and rights are included in all assessments which directly or indirectly have an impact on them. Following a 2020 amendment to the Social Services Act section 18, child benefit is excluded from the means-tested assessment of financial social assistance to families with children.

120. Moreover, a number of voluntary organisations, groups and associations are important arenas and actors for participation, influence and social cohesion, some of which offer assistance to socially and economically disadvantaged individuals who are not able to cover their basic needs.

121. The provisions concerning services and measures in the Social Services Act apply to everyone staying in Norway. Non-nationals have the same rights as nationals, with some exceptions. A distinction is made between non-nationals who have legal and habitual residence in Norway, non-nationals who are staying lawfully in the country, and persons staying in the territory unlawfully. As a main rule, EEA citizens have the same right to social assistance as Norwegian citizens. Other non-nationals who are visiting the country for a limited period are eligible for emergency social assistance until they are able to leave the country. Persons staying unlawfully are not entitled to financial social assistance to continue their stay, but are eligible for emergency social assistance for a short period until they can leave the country. Any person present in the country (lawfully or unlawfully) is to be provided with information, advice, and guidance that can help to resolve or prevent social problems.

122. For information regarding labour immigrants specifically, reference is made to Norway's CCD paras. 221 og 233-235.

Concluding observations, paras 26-27

123. In 2024, the Storting agreed on a pension settlement as a follow-up to the pension reform from 2011. The adjustments will lead to higher income security levels for the elderly population. In the settlement it was decided i.a., that disability benefit recipients will earn pension rights until the age of 65 (under the new accrual model), providing them with a pension level comparable to individuals who retire at the current average retirement age.

124. With the current pension rules, people who receive disability benefits are transferred to an old-age pension at a fixed age, 67 years. Disabled persons in younger cohorts will face higher annuity divisors, resulting in lower replacement rates compared to older cohorts. This issue is partly solved through an increasing 'standard pensionable age' (SPA) – the pension

levels of disabled persons in younger cohorts will now be increasing due to a higher transfer age and correspondingly lower annuity divisors.

125. Under current assumptions about the future average retirement age, old-age pensions for disabled persons will follow the old-age pension levels of the working population. In the pension settlement, it was agreed that broad evaluations of the pension system should be carried out every 10 years, which includes the pension level for former disability benefit recipients compared to other old age pensioners.

Article 10 Right of families, mothers, children and young people to protection and assistance

126. Reference is made to Norway's CDD para. 198 and to this report para. 78 for information on parental leave and benefits.

Marriage

127. According to the Marriage Act, marriages shall be entered into voluntarily and with the consent of both parties. To prevent child marriages, it is prohibited to enter into marriage with someone under the age of 18. Following an amendment to the Act (in force 1 January 2025), to further combat child marriages, marriages entered into abroad with a person under the age of 18 shall not be recognised in Norway, unless there are strong reasons to do so.

128. The Act also prohibits marriages between parties who are related in a direct ascending or descending line or between siblings. From 1 January 2025, it is additionally prohibited to enter into marriage with other close relatives, for example, an uncle, aunt, or cousin. The aim is to avoid health issues in children. It was also considered that a ban can have an effect with regards to counteracting forced marriages. Marriages with close relatives entered into abroad shall also not be recognised in Norway, unless there are strong reasons to do so.

Violence against children and domestic violence

129. An escalation plan to combat and prevent violence against children and domestic violence was adopted by the Storting in May 2024. The plan will help fulfil the obligations set out in the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which Norway ratified in 2017. The escalation plan was developed among nine ministries and contains 122 measures. It will contribute to more targeted prevention, better help and protection of victims, and more effective prosecution and treatment of perpetrators. This will be achieved through a more holistic and coordinated policy. The plan contains a separate section on violence and abuse in Sami communities, which was developed in close collaboration with the Sámediggi. The Sámediggi has also prepared a separate action plan.

130. The Regional Resource Centre on Violence, Traumatic Stress, and Suicide Prevention (RVTS) Region North has established, with Government funding, a forum for the development of efforts to combat violence and abuse in Sami communities and the exchange of experience and expertise among participants.

131. The 'State Children Houses' (*Statens barnehus*) are a central actor in ensuring that children's rights are safeguarded and that help given to children subjected to violence and abuse, and to children who witness violence, is well co-ordinated. To help ensure that Sami children are provided services that are adapted to their own language and culture, a separate Children's House is being established in Finnmark County.

132. The police have a number of protection measures at their disposal, including restraining orders, so-called reverse violence alarms, mobile violence alarms, and "address blocking". In 2023, amendments were made to the Criminal Procedure Act, the Penal Code, and the Execution of Sentences Act regarding reverse violence alarms. The aim is to improve

compliance with restraining orders and visitation bans. The amendments facilitate the increased use of electronic control, i.e., reverse violence alarms, and are intended to strengthen the protection of individuals at risk of violence, threats, and other forms of unwanted contact. The new regulations allow the prosecution authority to impose electronic control of a visitation ban where this is appropriate and proportionate. The amendment has led to a significant increase in the use such alarms, from 20 in 2023 to 194 in 2024.

133. In 2024, the Government established a permanent National Intimate Partner Homicide Commission, which shall continuously review all intimate partner homicide cases. The goal is to reduce the occurrence of cases of serious violence in close relationships, uncover system failures, learn from mistakes, and further develop efforts to prevent serious violence and intimate partner homicide.

134. In 2025, an 'investigation system' has been established at the Board of Health Supervision for cases concerning homicide, and serious cases of violence, abuse and neglect against children. The main purpose is to identify shortcomings in the system, contribute to learning, strengthen preventive work, and improve collaboration across services.

Trafficking

135. Norway is a destination country for human trafficking. Nearly all victims are foreign citizens, who are often being exploited by perpetrators originating from the same countries. Some of these traffickers are based in Norway, and recruit victims from their home country. Purchasing sexual services is criminalised in Norway, which has contributed to a reduced level of prostitution. The police have specialised staff to investigate trafficking, and there is ongoing cooperation between the police, the labour inspection authorities and other authorities in tackling exploitative practices in workplaces.

136. In 2024, the Government decided to develop a national strategy against trafficking, in order to strengthen efforts to support victims, prevent trafficking, and improve Norway's law enforcement response. Broad consultation meetings with civil society stakeholders have been held. The strategy is due to be launched in May 2025.

Negative social control

137. An action plan on freedom from negative social control was launched by the Government in 2021. It contains 33 measures to protect newly arrived refugees, strengthen competence in support services, enhance legal protections, prevent involuntary stays abroad, and strengthen international cooperation. The plan is part of Norway's implementation of the Istanbul Convention. It is also seen in the context of other relevant actions plans.

138. The Government is in the process of drawing up a new action plan against negative social control and honour-based violence that will be launched in May 2025. It will be seen in the context of the escalation plan to combat and prevent violence against children and domestic violence. It will contain measures on legal protections, prevention, competence in support services, involuntary stays abroad, and negative social control on digital platforms.

Sexual offences

139. Offences against sexual self-determination are broadly regulated in the Penal Code. Reference is made to Norway's tenth periodic report to CEDAW paras. 74-76 in this regard.

140. Obtaining sexual intercourse or similar sexual activities with a person who has not consented thereto is punishable, even if the conditions in the provision in the Penal Code (cf. section 291) on rape are not met. Nonetheless, in 2021, the Ministry of Justice and Public Security commissioned the Criminal Law Council (*Straffelovrådet*) to conduct a comprehensive review of the Penal Code's chapter on sexual offences, and to propose a regulation that safeguards the individual's right to sexual self-determination and other fundamental requirements to the legislation in the field of criminal law. In its 2022 report,

the Council recommended several changes, i.a., a new provision that includes the acts currently covered by the Penal Code section 291, as well as situations where someone engages in sexual intercourse or a similar sexual activity with a person who does not want to engage in this, and who expresses so in words or actions. The report was sent for public consultation in 2023. In a proposition to the Storting in April 2025, the Government proposed to extend section 291 to cover sexual intercourse and similar sexual activities with a person who has not consented thereto by word or conduct.

141. A public committee with a mandate to investigate issues related to the prevention of rape, including support services for victims, and prosecution of rape cases, submitted its report in 2024. It concludes that rape is an unresolved societal problem and that the authorities have not succeeded in preventing or combating rape. The Committee found i.a., that too little is being done to prevent rape, that there is too much variation in health services for victims, and that the investigation of cases is not sufficiently prioritised by the police and prosecution authorities. The Committee's recommendations are aimed at strengthening the prioritisation at the authority level and in the service apparatus. The report was sent for public consultation in 2024. It is now being considered by the Government.

Unaccompanied asylum-seeking children

Concluding observations, paras 28-29

142. Reference is made to Norway's follow-up report to the Committee (2022) (E/C.12/NOR/FCO/6) regarding unaccompanied asylum-seeking children aged 15 to 18.

143. All unaccompanied asylum-seeking minors need a level of care and accommodation adapted to their special needs. Norway therefore has an age-adjusted reception system. It is the Government's understanding that this does not involve discrimination against the 15-18-year age group, as long as the care for this group is professionally sound and in accordance with the UN Convention on the Rights of the Child. The care for unaccompanied asylum-seeking minors between the ages of 15 and 18 has been strengthened in recent years. Their situation in reception centres is regulated by law and more detailed rules have been stipulated on the content of the responsibility for care and follow-up, as well as requirements for sufficient formal expertise. A number of measures have been put in place to improve the situation for minors in asylum reception centres, including increased staffing and strengthened expertise on children. A separate and independent supervision of care mechanism for this group was also established in 2022, with the County Governor of Østfold, Buskerud, Oslo and Akershus.

144. The reception centres have a duty to ensure that the minors living there receive necessary services, including health care and child welfare services. The Health and Care Services Act states that municipalities must ensure access to and provide necessary care, including mental health care, for all those residing within the municipality. This includes minors in reception centres. In 2020, the Act was revised to further specify the municipalities' responsibility to ensure access to psychologists contracted by the municipality.

Children in child welfare care

Concluding observations, paras 30-31

145. Norway has continued to make legislative and systemic amendments in the child welfare services sector, to strengthen the quality of child welfare services, strengthen legal protections for children and families, and to ensure the best interests of the child. The new Child Welfare Act (in force 1 January 2023) emphasises that a care order to place a child in alternative care is only viable as a measure of last resort. A care order can only be issued when it is considered necessary, and voluntary assistance measures have not succeeded. Furthermore, it can only be issued if there are serious deficiencies in the everyday care or if the child is mistreated or subjected to other serious harm such as violence, abuse or neglect

at home. It is also a requirement that the care order is necessary due to the child's situation and in the child's best interests. The principle of least intervention is thus overarching in assessing child welfare measures according to the law.

146. The Act section 1-8 states that children's cultural, linguistic, and religious background must be a consideration within all aspects of the work of the child welfare service. In the process of finding a suitable foster home for a child with a minority background, the child welfare service must attempt to find a home that can maintain the child's connection to their cultural, linguistic, and religious background.

147. The Government presented a white paper on foster care in 2024. One of the main proposals in the white paper is to strengthen the municipalities in their task of providing support and supervision to foster homes. Through the range of measures proposed, the Government has signalled a commitment to strengthening the recruitment of foster parents with minority backgrounds. In the event that foster parents' backgrounds do not mirror that of the child, other measures must be taken to ensure that the child's connection to their background can be maintained. The Government has also proposed developing specific schemes for the training, supervision, and follow-up of foster parents who provide care for children of a different cultural, linguistic and/or religious background.

148. The 2022 child welfare reform transferred some of the child welfare tasks from the state to the municipalities, giving the municipalities a more comprehensive responsibility for child welfare services locally. The reform included increased financial responsibility for municipalities, for which they are compensated within the general municipal framework grant. This is meant to incentivise municipalities to focus on preventive measures and early intervention. The aim is to strengthen the overall child welfare system by prioritising the protection and well-being of children and vulnerable families at an early stage.

149. Additionally, the framing of contact arrangements between parents and children in care has undergone revisions, following judgments handed down by the European Court of Human Rights (ECHR) and the Norwegian Supreme Court relating to how these arrangements have been practised in certain cases. It has been clarified in the Child Welfare Act that the level of contact must be assessed concretely in each individual case. Bufdir has also issued new guidelines for determining visitation in cases of care orders and is working on guidelines to improve the quality of contact sessions. There has been an increase in the level of contact between children and parents following the judgments from the ECHR. It is, however, vital that the level of contact is in the best interests of the child and does not expose the child to undue hardship.

150. Pursuant to the Health and Care Services Act section 3-9 a, municipalities are required to ensure that children placed outside their homes under the Child Welfare Act have access to the necessary health and care services. A 'structured procedure' between the child welfare and health sectors has been developed to ensure that children receive the necessary healthcare and the appropriate measures from child welfare services. While it is voluntary for the municipalities to initiate the procedure, Bufdir and the Directorate of Health have been tasked with implementing and expanding the use of the procedure. The procedure includes assessment and investigation of mental, somatic, dental, and sexual health, as well as substance abuse issues.

151. While the structured procedure can be initiated for all children who come into contact with child welfare services, an interdisciplinary health screening specifically aimed at children who are to be placed outside the home has also been developed. The Government aims to further develop measures for screening children's health and other needs and to ensure that children in care have access to the best available services. In 2024, the Government published a new cross-sectoral strategy, for institutional child welfare. The

strategy signalled the Government's ambition to ensure that all child welfare institutions are connected to an established team of health professionals.

152. The Child Welfare Act and its regulations contain requirements for regular supervision and oversight of the care provided to children in foster homes and child welfare institutions. For children in foster homes, the responsible municipality is required to monitor the child's situation regularly until the child reaches the age of 18, to ensure that the child receives proper care in the foster home and that the conditions for the placement are being followed up. The municipality must ensure that those who carry out the supervision receive the necessary training and guidance. The supervision must take place on-site, as often as necessary, and at least four times a year. The County Governors have a general responsibility to supervise that the municipalities are fulfilling their statutory duties.

153. The County Governors are responsible for the supervision and oversight of the care provided to children living in child welfare institutions. The purpose of supervision is to ensure that the institution provides each child with proper care and treatment. The County Governors must pay attention to all matters that are important for the child's development, well-being, welfare, and legal rights. As part of the supervision, the County Governor must ensure: a) That there is a valid ruling for the placement, b) that the institution complies with the conditions in the ruling, c) that there are individual plans for each child, d) that the institution safeguards each child's rights under the Child Welfare Act and its regulations, e) that the institution takes into account each child's ethnic, cultural, linguistic, and religious background in accordance with the purpose of the placement, and f) that the institution follows up on the special right of Sami children to maintain their linguistic and cultural background. The County Governor must also continuously assess the need for supervision of each institution based on risk assessments.

154. An additional level of supervision and oversight is provided by the Board of Health Supervision. The Board selects topics for nationwide supervision that complement the local supervision carried out by the County Governors. The Board has published reports based on nationwide supervision on the municipalities' work following up foster homes, in 2024, and on child welfare service's work with investigations, in 2022. The Board also prepares guidelines and provides training to the County Governors to ensure that supervisions are conducted in accordance with the law and that similar cases are treated consistently. They also have the authority to overturn decisions made by the County Governors in principle-based appeal cases.

Article 11 Right to an adequate standard of living

Agriculture and food production

155. An annual agricultural agreement is negotiated between the two farmers' organisations and the Government. This agreement sets key parameters for the product prices the farmers receive, the size of the budget transfers to the agricultural sector, and how these funds are distributed. The annual agreement is key to securing agriculture throughout the country.

156. An emergency storage for grains will be established, in order to ensure food security in an emergency situation. By 2029, the emergency storage will correspond to a three months' consumption of grains.

157. Agri-environmental measures both regulatory and economic, have been a priority. Agri-environmental measures are structured under the 'National Agri-environmental Programme', which provides a central framework and national goals and includes key grant schemes. Measures are in place to make sure that arable cropping can be environmentally sustainable and that soil health is ensured. Open pasture grazing is a priority.

158. Border protection through customs duties is one of the most important measures in Norwegian agricultural policy, in order to maintain national food production.

Poverty

Concluding observations, paras 32-33

159. Lack of regular employment is the main cause of poverty in Norway. Children of immigrant parents, children with parents who have low labour market participation, and children in single-parent families are particularly at risk. The increase in the number of children in persistently low-income households has been particularly high among families with an immigrant background. This group faces barriers in the labour market, through lacking formal qualifications or necessary language skills.

160. The main strategy to combat poverty is to increase participation in the labour market. This also applies to child poverty. In 2024, the Government presented a white paper on active labour market policies and strengthened overall labour market measures. The 'Youth Guarantee' was introduced, cf. para. 86 above. The Introduction Programme for newly arrived immigrants has been made more work-oriented. The Government has invested further in a targeted job-scheme ('The Job Opportunity') so that more immigrant women can gain qualifications and enter the labour market.

161. In 2023, the Government received a report from an expert group with recommendations on how to improve the living conditions of children growing up in poverty and how to prevent poverty from being passed down to future generations. The report highlights the importance of universal public welfare services and child benefits. The Government has implemented several measures to improve conditions for low-income families, in line with the report's recommendations.

162. Child benefits have been increased significantly in recent years. The additional child benefit for single parents has been increased separately. Since 2022, child benefit has been excluded from the means-tested assessment of financial social assistance, see also para. 119 above. After-school programmes and kindergartens have also become more affordable, which helps ensure participation for children from low-income families. A strategy with measures for children growing up in low-income families has been prolonged and an action plan on equal opportunities to participate in cultural, sports and outdoor activities was launched by the Government in 2024. The national grant scheme for including children and youth in leisure and holiday activities has been strengthened. The Government is preparing a white paper on social mobility and social equality in spring 2025.

163. The share of children living in low-income families has in recent years decreased somewhat. The decline may be partly explained by the increase in child benefit for the youngest children, and lower rates of immigration to Norway in the period up to 2020.

Housing

Concluding observations, paras 34-35

164. In 2024, the Government presented a white paper on housing that outlines the main objectives of Norwegian housing policy. The white paper replaces the previous national strategy for housing and support services.

165. The Social Housing Act (in force 1 July 2023) defines the municipalities responsibility for the rights and protection of suitable housing for all citizens. The Act's purpose is to prevent social housing challenges and to help ensure that disadvantaged and marginalised people in the housing market receive assistance to obtain and retain suitable housing.

166. Half of the municipalities state that they have too few suitable municipal homes for their residents. The number of applications for municipal housing increased by five per cent from 2022 to 2023. There has also been an increase in rejections of applications, from 27 per cent in 2022 to 31 per cent in 2023. The municipalities report that settlement of refugees may have possible displacement effects for other target groups. There is a need for more suitable municipal housing for the most disadvantaged, persons with disabilities, and large households with children.

167. The state supports municipalities in the provision of housing for disadvantaged and marginalised persons through the Norwegian State Housing Bank. It provides loans for rental housing to private developers or municipalities that are building or buying housing for rental.

168. Municipalities can receive loan funding for private rental properties with a municipal right of disposal. The municipality has the right of disposal for all the dwellings in the project but only up to 40 per cent is earmarked for disadvantaged people in the housing market. In 2023, 302 of 601 homes financed by loans from the State Housing Bank for rental accommodation were allocated through the municipal right of disposal.

169. In 2023, 'Kobo', a new system for applying, assigning and administrating municipal social housing was made available for the municipalities. More than 100 municipalities have signed on. The aim is to make the process easier and more efficient and secure for both applicants and the municipalities. The Government will offer digital support for the management of municipal social housing for all municipalities.

170. The majority of persons with developmental disabilities reside in municipal rental housing. Among adults with disabilities, only 25 per cent own their residence. 20 per cent live in their parental home several years after they have turned 18 years. Nearly 80 per cent of families of persons over 30 years old with developmental disabilities who still live at home express a desire for quicker opportunities for them to move to their own home. Many experience a lack of freedom of choice regarding where and with whom to live.

171. The State Housing Bank provides loans for housing quality. The loan contributes to developing housing qualities that improve sustainability and accessibility. Loans are given to projects that entail more comprehensive accessibility and sustainability than what the Planning and Building Act and regulations on technical requirements for construction work require. In 2023, the State Housing Bank contributed to building and upgrading 1,198 homes with high quality requirements for accessibility.

172. Start-up loans are housing mortgages administered by the municipalities and are offered to enhance owner-occupation among young people and low-income households. People who are unable to secure loans from private banks, are offered only high-interest mortgages, or who lack equity capital may apply for a start-up loan. 7,830 households received a start-up loan in 2023. With a start-up loan, households can also adapt the home or move to a more suitable and accessible home. In 2023, seven per cent of granted start-up loans went to this type of home improvement.

173. Recent general housing price increases, interest rate increases, a lower rate of housing construction and continued high settlement of refugees has contributed to increasing demand for rental housing. Around one million people rent their home in Norway. The share of renters is higher among low-income households. 52 per cent of the households in the lowest quartile of income rent their residence. Increased interest rates and housing costs affect everyone; however, single parents, families with children, low-income households, and disadvantaged people are more vulnerable to the economic burden this entails. This further entails a risk of displacing the disadvantaged on the rental market.

174. In its white paper on housing, the Government presents the rental market as one of four main priorities. It seeks to support better conditions on the rental market by promoting

measures that ensure more available and affordable rental housing. The main objectives are safe tenancies, a sufficient supply of rental housing, solid knowledge on the rental market, and a sustainable municipal rental sector.

175. The housing allowance system is a government-financed support scheme for partial coverage of housing expenses for low-income households with high housing expenses. The housing allowance scheme was strengthened in 2023 by simplifying requirements. 152,718 households received housing allowance one or more times in 2023. The number of households receiving housing allowance increased by 15,000 from 2022 to 2023.

176. In October 2024, a committee evaluating the Tenancy Act presented its report. It proposed amendments that can strengthen tenants' rights and ensure fundamental residential security and better compliance between the law and the current situation in the rental market.

177. The State Housing Bank is responsible for conducting a national survey of the number of homeless persons every fourth year. The 2020 survey shows that half of the homeless are long-term homeless. The main cause of homelessness is evictions and loss of housing due to damage and disturbance. During the interval between each survey, the State Housing Bank obtains information from 25 major municipalities, which in 2020 contained around 70 per cent of the homeless population. The number of homeless persons has increased in the last two years, after several years of decline. In 2022, the number of homeless persons was 3,800. As of November 2023, the State Housing Bank's estimate is that there were approximately 4,200 homeless persons. The 2024 survey of homeless persons was postponed due to jurisdictional circumstances.

178. Many municipalities report an increased use of temporary housing. The number of households in temporary housing increased by 11 per cent from 2022 to 2023. Persons with concurrent drug addiction and mental health issues are at particular risk of becoming homeless. One of three persons in this group does not have a permanent or suitable housing situation. Many municipalities report increased challenges in finding suitable housing for this group.

179. Efforts to prevent and combat homelessness are the responsibility of several ministries and other public authorities, and a number of tools and measures have been developed. The municipalities play a major role in this work. In accordance with legislation on social services, local authorities are responsible for helping less advantaged people secure housing.

Article 12 Right to health

180. The right to health is ensured by providing a comprehensive healthcare system that offers high-quality services to all without discrimination. Healthcare services are grounded in scientific and medical standards, respect for medical ethics, and are tailored to individuals' cultural backgrounds, gender, and life stages.

181. To safeguard public health, Norway actively implements measures to improve environmental and industrial hygiene, prevent and treat diseases, and combat drug abuse. The healthcare system ensures access to necessary medical treatment and care during illness, creating conditions where everyone can receive appropriate healthcare when needed. Through these efforts, Norway demonstrates its commitment to realising the right to health for individuals, in line with the obligations under the present Covenant.

182. The Sami people's rights as an indigenous population, in relation to health and care services, are regulated by national legislation and international conventions. Norway is obliged to ensure that the Sami perspective is taken into account in health policy initiatives, national plans and strategies. In order for the municipal health and care services to provide the Sami with adapted services of good quality, knowledge and competence about the Sami

language, culture and social conditions are required. The Government will therefore continue the work of developing services and skills that meet the needs of the Sami population.

183. The Government will appoint a committee to examine the need for changes to ensure that the state's obligations to the Sami are safeguarded in regard to the right to co-determination, participation and cooperation in the planning, design and management of the specialist health services. One part of the committee's mandate will be to decide on whether the current organisation of the *Sami klinihkka,* a health centre offering specialist health services aimed particularly at the Sami population, is appropriate and how the Sami National Competence Centre on Mental Health and Addiction's (SÁNAG/SANKS) national functions, health services on mental health and substance addiction, can be developed, as well as assessing how to recruit and ensure stable access to relevant staff in the administrative area for Sami languages and at SÁNAG/SANKS and the *Sami klinihkka*.

Older persons

Concluding observations, paras 36-37

184. A proper and balanced diet is essential for maintaining good health and quality of life throughout one's life. Through a strategy on diet and nutrition for older people in nursing homes and home care services, Norway has improved its competence and systematic nutritional follow-up for older individuals in these services. Additionally, measures have been implemented to strengthen the food and nutrition sector, through the Government's "Stay Safe at Home" reform.

185. *'TryggEst'* is a model developed to help municipalities prevent, detect, and handle violence and abuse against vulnerable adult residents, as a relevant measure in accordance with the obligations under the Health and Care Services Act section 3-3 a. *TryggEst* aims to ensure that cases are uncovered, and that the individuals concerned are taken care of through collaboration between relevant services. The training and competence enhancement measures in *TryggEst* are particularly aimed at employees in municipal health and care services.

186. A national strategy for good diet and nutrition for elderly people in nursing homes and those who receive home care has been developed and implemented. National advice dictates that everyone admitted to a nursing home must be assessed for the risk of malnutrition within a week of admission and on a monthly basis thereafter. For patients at risk of malnutrition, individual nutrition plans must be developed. The authorities offer implementation support measures for systematic nutrition work, skills development, and compliance with the professional councils in the municipalities. Status is monitored through national quality indicators for nutritional assessment in nursing homes and through supervision. The work will continue in order to ensure that the strategy is fully implemented.

187. Norway has established national professional advice and guidelines for good nutritional practices in health and care services. These guidelines include the assessment of patients' nutritional status, interventions, and follow-up. National quality indicators have been developed to measure the extent to which nutritional status assessments are conducted in home-based services and nursing homes. Although the number of individuals having their nutritional status assessed remains insufficient, the proportion is increasing.

Asylum seekers' access to health-care services

Concluding observations, paras 38-39

188. All patients and users with permanent and legal residence in Norway are entitled to necessary health care services from both the municipal health and care services as well as specialist health services. However, there are specific regulations regarding the right to health and care services for individuals who do not have permanent and legal residence. Everyone

residing in Norway is entitled to necessary health care that cannot be delayed, including necessary assistance before and after childbirth, abortion services, and communicable disease prevention and treatment. Children generally have the same rights to health care regardless of their residency status. Thus, everyone residing in Norway has the same right to healthcare services. However, if an individual's application for residence has been rejected, they are required to leave the country and their entitlement to healthcare services ceases as a natural consequence of their obligation to exit the territory.

189. Individuals who continue to remain in Norway unlawfully are entitled to emergency care and essential health services that cannot be delayed, including maternity care, childbirth, postnatal care, and abortion services. While patients are generally expected to pay for such services, upfront payment is not required, and costs may be covered by the healthcare institution if the patient lacks the financial means. Additionally, everyone has the right to preventive care and treatment for communicable diseases, including vaccinations and necessary treatment, free of charge.

190. Children, regardless of their legal status, have the same right to health and care services as children who are lawfully residing in Norway, including access to general practitioner services. According to the regulations, any individual considered a resident in a municipality is entitled to register with a general practitioner. Since individuals without legal residence lack a registered address in a municipality, they are consequently unable to be assigned to a general practitioner in a specific municipality.

191. It is acknowledged that it can be challenging for irregular migrants to understand and navigate the healthcare regulations. To address this, efforts to improve guidance and information about the healthcare rights of individuals without legal residence will be initiated.

Mental health care

192. The organisation of mental health care in Norway broadly resembles that of other Western European countries, including shifting care to outpatient/community settings, with care in place for mild to moderate disorders, severe disorders and substance addiction disorders with a good degree of cross-sectoral collaboration. At the municipal level, care is provided in outpatient settings by general practitioners and/or mental health professionals often in cross-sectoral collaboration with specialised inpatient care. Mild to moderate mental health conditions are largely cared for in outpatient settings by general practitioners, who are in charge of providing treatment and who serve as a focal point in the coordination of the care.

193. Municipalities are required to employ psychologists within their health and social care services. There is also a growing private market of psychologists. General practitioners also play a key role in managing severe mental illnesses, where they generally serve as gatekeepers to specialised services. They are also key personnel when patients are discharged from specialised care, playing a role in managing and coordinating the ongoing care of individuals with acute mental health needs living in the community.

194. Mental health is one of the Government's main priorities. An escalation plan was launched in 2023, outlining the ambitions for mental health over the next decade. The Government proposes to increase funding for mental health by NOK 3 billion from 2023 to 2033. The plan's overarching aim is for more people to enjoy good mental health and quality of life, and for those who need mental health care to receive good quality and easily accessible care.

Concluding observations, paras 40-41

195. Prison inmates with mental health issues have the same right to health and care services as the general population. Pursuant to the Health and Care Services Act section 3-9,

municipalities hosting correctional facilities are required to provide health and care services to inmates; these are normally provided in the prison. The municipality has statutory responsibility, as well as recruitment and training responsibility, for medical personnel in the correctional facility. A government grant is provided to help cover the municipalities' additional expenses. The grant was modified in 2025 to increase the support for municipalities with prisons dedicated to women and minors. Both physicians and nurses in correctional facilities have the same education as medical personnel in society-at-large. Furthermore, approximately half of all nurses in the prison health services have additional education in mental health and substance abuse treatment.

196. Specialist health care services are provided by the state through the four regional health trusts (referred to as the 'import model'). Inmates are referred to such services in the same manner as the general population. In order to improve access to mental health and substance addiction services for detainees, the Government has instructed the health trusts to provide such services directly in prisons. Persons who would have been referred to day treatment in a mental health institution were they not being detained in prison are thus entitled to equal access to such treatment as the general population.

197. In 2023, a public committee was appointed with a mandate to examine issues related to penal sanctions and mental health. This Committee investigated the conditions and care of inmates with serious mental disorders or developmental disabilities, during imprisonment and detention. The Committee's report was submitted in March 2025 and it will now be considered by the Government.

198. The right of free and informed consent is the principal rule in Norwegian mental health care legislation. The majority of patients receive voluntarily assistance. Coercive measures can be employed, cf. the Patient and User Rights Act, ch. 4 A. A great number of assertive and ambulatory mental health care services have been established and are active in many municipalities, providing patients and next-of-kin with valuable outpatient assistance, thereby reducing the need for hospitalisation.

199. National professional guidance the prevention of the use of coercion in mental health care for adults was effectuated in 2022. The purpose of the guidance is to provide the services with a tool that can contribute to a more uniform understanding of how the use of coercion can be prevented and ensure that coercion is used in a caring manner, and only when it is necessary in order to deliver health care. In order to enhance the implementation, the Directorate of Health and the regional health trusts have held annual meetings on topics related to compulsory mental health care after the guidance was published. This work continues as part of the Government's escalation plan.

200. In November 2024, the Government presented a legislative proposal to follow up on the recommendations of the 'Consent Committee' and certain proposals from the 'Coercion Law Committee'. The proposal included, i.a., the repeal of the requirement that lack of capacity to consent must be caused by illness, the lowering of the standard of proof for lack of decision-making capacity to "predominantly likely," the codification of a requirement for continuous assessment of whether the conditions under the Mental Health Care Act for the use of coercion are met, and the codification of a narrow framework for the use of electroconvulsive therapy (ECT) as a life-saving measure.

201. It is proposed that decisions on the use of ECT can be made if the failure to administer the treatment within a few weeks would pose a severe risk to the patient's life, and the patient does not oppose the treatment. Decisions may apply for up to two weeks within the same round of treatment. New decisions cannot be made within the same round. Patients and their closest relatives can appeal decisions on the use of ECT to the Mental Health Care Supervisory Commission. The Government also announced that it would continue to follow up on the Coercion Law Committee's recommendations. Furthermore, the Directorate of

Health has been tasked with assessing how children's rights concerning the use of coercion in mental health care can be clarified and strengthened within the current legislative framework.

202. In 2025, the regional health trusts are commissioned to review the use of coercive measures and involuntary admissions in mental health care as a basis for improved prevention of coercion, and to ensure that all decisions on coercive measures are registered in the Electronic Patient Journal according to the current template.

Drug use policy

Concluding observations, paras 42-43

203. A public committee recommended in its 2019 report, that use, acquisition and possession of small quantities of illegal drugs intended for personal use should no longer be considered a criminal offence. This proposal, which was submitted to the Storting in 2021, did not receive sufficient parliamentary support. However, a broad political majority in the Storting expressed the view that substance-dependent individuals should not be met with punishment, but rather with help. These legislative signals were emphasised by the Supreme Court, which ruled in two subsequent cases in 2022 that substance-dependent individuals no longer should be prosecuted or punished for the use, acquisition and possession of smaller amounts of drugs meant for personal use.

204. The current law is thus that all use, acquisition and possession of illegal drugs remains a criminal offence. However, substance-dependent individuals are not to be prosecuted or punished for use, acquisition and possession of small amounts of drugs intended for personal use. These persons shall be met with assistance and help rather than prosecution.

205. The review in the Storting and the subsequent Supreme Court judgments have raised a number of criminal and procedural legal issues concerning the regulation of illegal drug use etc., which another committee has assessed. The Committee's 2024 report has been followed up by the Government with a proposal to the Storting in April 2025. The proposal will be considered by the Storting in June 2025.

206. The proposal from the Government includes several changes to the Medicines Act and the Criminal Procedure Act concerning minor drug offences. With regard to drug use, acquisition and possession of smaller amounts of drugs for personal use, the Government has proposed a new criminal provision in the Medicines Act which i.a., regulates the current special sentencing rules for drug-dependent individuals over the age of 18. Furthermore, it proposed measures to enhance the use of the municipal advisory unit for drug related cases (cf. the Health and Care Services Act section 3-9 c). The advisory unit has special expertise in prevention and drug related issues and may offer individual follow-up programmes if desired.

207. The Government has also proposed a new provision that allows the police to refer a person who is suspected of illegal drug use, acquisition or possession of small amounts of drugs for personal use to the advisory unit, instead of pursuing a criminal case against the person. It also proposed legislative amendments related to the police's use of drug testing and the use of coercive measures when investigating minor drug offences. The proposal is considered to constitute part II of the Government's 'prevention and treatment reform' on the topic of illegal drug use.

208. The Government is concurrently concerned about health issues related to the use of illegal drugs. In October 2024, the Government submitted a white paper on prevention and treatment (the reform part I) which paves the way for increased and targeted efforts on prevention, harm reduction, early intervention, and treatment and follow-up services. It aims to reduce the potentially negative consequences related to the existence and use of alcohol, addictive drugs, illegal drugs, and performance-enhancing substances. The reform also aims

to reduce the gap in life expectancy between people with substance use disorders and the general population.

209. The white paper recognises the right to health, cf. Article 12 in the Covenant, and aims i.a., to reduce stigma and prevent discrimination of people with problematic use of psychoactive substances. The Government will establish a plan to systematically counter stigmatisation and prejudice towards people with issues related to the use of psychoactive substances, including following up on the recommendations by the Norwegian Human Rights Institution (NIM).

210. Among other important measures relating to the reform is an initiative to make it easier for municipalities to establish supervised drug consumption rooms, by proposing amendments to the Consumption Rooms Act and to develop a new action plan on preventing overdoses. Local clinics at street-level/low-threshold services shall be established to offer integrated specialised treatment and municipal healthcare services for people with complex needs. The Government will also establish treatment services for children and young people and women with substance use disorders who suffer abuse and are in need of sheltering. Additionally, a comprehensive system for monitoring the situation on psychoactive substances for data on trends and developments, including drug-checking services, will be assessed. Such facilities enable individual users to have their illegal substances chemically analysed, providing information on the content of the samples to prevent harm.

Articles 13 and 14 Right to education

211. Reference is made to Norway's CCD paras. 37-46 for information on the right to education and the education system in Norway. With the new Education Act (in force 1 August 2024), the general right to education in Norway has been further strengthened. Among the changes is the extension of the right to upper secondary education and training, which now applies until study qualifications or vocational qualifications have been obtained, cf. the Act section 5-1. Additionally, the right to upper secondary education for adults is set out in section 18-3.

212. Completion rates in upper secondary education have increased steadily over the past two decades. They continued to rise throughout the covid-19 pandemic years, although somewhat less than in previous years. 81 per cent of pupils who started upper secondary school in 2016 completed within five/six years, up nine percentage points from the 2006 cohort. 85 per cent of girls finished within five/six years, compared to 77 per cent of boys. 80 per cent of Norwegians born to immigrant parents and 65 per cent of immigrants finished within five/six years compared to 83 per cent of the majority pupils.

213. Although there are still major social differences within upper secondary education, there have been fewer differences during the last decade. Among pupils with parents with primary school as their highest level of education, 61 per cent completed their upper secondary education, up 13 percentage points from the 2006 cohort. Moreover, a 'completion reform' was adopted by the Storting in 2021. Over 100 measures aimed at upper secondary education were proposed. Continued follow-up of this reform will help ensure that young people and adults are qualified to meet the requirements of further education and working life, and that they can update their skills throughout their lives. Several of the rights have been introduced through the new Education Act.

214. A white paper on grades 5-10 in primary school was presented in 2024. It focuses on making school more practical and relevant for pupils. The main goals are to improve learning, increase motivation, and enhance pupils' well-being. Among the measures included are increased practical teaching with an emphasis on practical skills and the application of knowledge in real-life situations and training that better adapts the teaching to each pupil's individual needs and abilities. There is a focus on creating a safe and inclusive learning

environment. The overall aim is to make school more engaging, and for pupils to achieve better learning outcomes and enjoy their school experience more.

Access to and quality of education

Concluding observations, paras 44-45

215. The Government will continue its efforts to reduce economic and social differences among the population, which requires broad cross-sectoral cooperation. Equal opportunities for all children is a priority. The Government has therefore initiated work on a white paper that will be presented in the spring of 2025. Education will be central to this work. In 2024, NOK 205 million was allocated for increased teacher density and increased basic staffing in kindergartens in disadvantaged areas.

216. Decentralised and flexible education is one of the Governments main priorities, aiming to ensure that high quality education is made available for the whole population, independent of the individual's background and place of residence. Vocational education and training (VET) have been prioritised within this effort to strengthen decentralised and flexible education. HK-dir has managed a competition-based funding programme in this regard, which, from 2024, has been moved directly to the university colleges and universities as part of their 'main framework allocation', funded by the Government. In 2023, the Directorate announced a call for action for a total of NOK 200 million for flexible and decentralised education to which educational institutions and study centres could apply. The education programmes are distributed across Norway according to local, regional and national needs, and includes e.g., VET related to technology and the green transition.

217. Children living in reception centres for asylum seekers are not entitled to attend kindergarten. These children can attend (be allocated a place) when they are granted a residence permit, are settled in a municipality, and meet the other conditions specified in the Kindergarten Act. However, municipalities can offer places in kindergarten to children living in reception centres for asylum seekers. The Directorate of Immigration will then reimburse the municipality with a grant.

218. The Government finances the City of Oslo's school guidance programme *Skolelostjeneste*. The purpose of the programme is to improve learning outcomes, reduce absence and increase the chances of pupils with a Roma background completing primary and lower secondary education. The programme i.a., facilitates coordination between the school, the pupil and their home. Most Roma families live in Oslo or nearby municipalities. The school guidance programme also assists pupils who live in nearby municipalities.

219. Many Roma families have recently transferred to Lørenskog municipality, bordering Oslo. The municipality has taken measures to promote beneficial and comprehensive services for Roma people, reduce the challenges that Roma experience in their dealings with the municipal services and the local community, and to facilitate good relations with schools.

220. Students who have a native language other than Norwegian or Sami, and who do not know Norwegian well enough to follow regular teaching, have the right to special language training. The training may also include native language instruction and bilingual education. Adults participating in upper secondary education have the right to enhanced Norwegian language training, but not necessarily to native language instruction and bilingual education in subjects.

221. In 2024, the Government presented a white paper on professional programmes in higher education. It presents measures for educating more teachers and for promoting equality and diversity in educational programmes. The Government has also made changes to the rules of admission for teacher education programmes, to make the programmes accessible to larger groups of applicants. The regulatory changes contribute to a concerted effort to improve teacher recruitment. To this end, there is also a national recruitment project

and a recruitment strategy that was developed in close cooperation with employer organisations and professional organisations/unions.

222. Multicultural competence and multilingualism are topics included in the national regulations for teacher education. For several years, teaching Norwegian as a second language has been a part of the strategy for further education for teachers, and this topic has become increasingly popular in recent years.

Sami language education

Concluding observations, paras 46-47, part 1

223. In 2023, the Government presented a white paper, on competence in kindergartens, schools and higher education on Sami language, culture and society. This is being followed up in cooperation with the Sámediggi. All primary school age pupils who live in 'language development municipalities' or 'language revitalisation municipalities' have, according to the Sami Act section 3-1, the right to training in and on Sami, cf. Education Act section 3-2. Sami pupils in upper secondary education have the right to education in Sami, cf. the Act section 6-2. This applies even if they did not have training in Sami in primary school, and regardless of where they live in the country. The pupils choose which Sami language they will be trained in, North Sami, Lule Sami, or South Sami. Furthermore, all pupils (regardless of whether they have a Sami background or not) who have had primary school training in and on Sami, have the right to training in Sami in upper secondary education.

Article 15 Right to participate in cultural life and enjoy the benefits of scientific progress

Cultural life

224. Rules on consultations regarding Sami interests are codified in the Sami Act (in force 2021) ch. 4. The rules apply to central government authorities, counties, and municipalities, and to private legal entities when exercising authority on behalf of the State. The right to early consultations applies to the Sámediggi and other representatives of Sami interests in matters concerning legislation, regulations, and other decisions or measures that could directly affect Sami interests. The obligation to consult may include all material and immaterial forms of Sami culture. Additionally, new provisions on the use of Sami languages were adopted in 2023 (in force 1 January 2024), cf. the Act ch. 3.

225. In 2021, the Government presented a white paper on museum policy. It aims to secure the development and stability of state-founded museums, to ensure easy access to common cultural heritage, new knowledge on museum collections and a broader discussion on development of different parts of society at different times in history.

226. A white paper on artist policy, which proposes 50 measures aimed at reinforcing the position of the arts and artists, was presented in 2023. The white paper examines other policy areas pertinent to artists' working and living conditions, such as labour and welfare policies, pensions, taxation, and business policies. It also suggests measures to strengthen the social rights for freelancers and self-employed artists and to ensure fair and equitable payment for artistic work.

227. The Government launched its first 'cultural volunteer' strategy in 2023. It presented cultural volunteerism as a unified political focus area at the national level for the first time. The strategy's purpose is to highlight the diversity of cultural volunteer activities and their intrinsic value, as well as to showcase the societal contribution of cultural volunteerism. One of the focus areas is broad participation and inclusion, and the Government aims to ensure that people have access to art and culture regardless of their background or social and financial status. The strategy put forward the goal that everyone should have the opportunity

to engage in and take responsibility for cultural environments, and children and young people should be able to participate in cultural volunteerism.

228. Even though most children and youth join organised leisure activities, some are left out. A number of factors are relevant, including gender, parents' financial situation, background, disabilities, and place of residence. To counteract socio-economic disparities and other barriers to children's participation in leisure activities, the Government is implementing measures in the 2024 action plan on inclusion in cultural, sports, and outdoor activities. Key policy measures include reducing costs, providing accessible information, access to a variety of leisure activities and professional art and culture, empowering youth voices, encouraging collaboration, and gaining insight into social inequality and the effects of interventions.

229. In 2021, a white paper on children's and youth culture was presented. The goal is to provide all children and young people, regardless of background, with access to high-quality art and culture, and to ensure they have the opportunity to experience and create culture on their own terms. To ensure that all pupils experience professional arts and culture, the so-called 'Cultural Schoolbag' is a nationwide programme and a key tool to achieving these goals. Another tool is the municipal Schools of the Arts, as all municipalities must provide music and art programmes for children and youth.

230. In 2024, a new strategy was launched on enhancing the joy of reading among children and young people. It aims to create a stronger reading culture among children and young people through several different initiatives. Among the most important elements are ensuring that children and young people have good access to a variety of literature, investing in school libraries, strengthen cooperation between libraries and kindergartens, strengthening the distribution of literature, and prioritising printed books in schools.

Research policies

231. The fundamental significance of academic freedom has only become clearer in recent years. As part of the development of the current Long-term plan for research and higher education, the Government appointed a committee which investigated possible threats to academic freedom of expression. The Committee's 2022 report provides a basis for discussing the prerequisites for scholarly contributions to public debates and proposes measures to provide a clearer framework for scholars' academic freedom of expression and the responsibilities incumbent on institutions to promote this. Conclusions and recommendations are addressed in the long-term plan.

232. Better incentives and structures for data sharing hold significant potential for increasing research outcomes. In 2021, the Research Council of Norway published a report, providing analyses and recommendations on licensing and making data accessible. In the report, recommendations are presented on how fair and effective actions should be prioritised to make sure that data are shared when possible, according to the "FAIR principles".

233. The increase in global conflicts and associated security challenges makes the topic of data sharing more complicated. A government-commissioned 2024 report provides recommendations on how a comprehensive national research system should facilitate open research while at the same time securing protected and classified research, based on the current research system for open research and the defence sector's research system.

234. Furthermore, a committee presented its report on data governance and sharing in 2024. The report proposes regulations to facilitate open science and common access to research data. The Government is considering the recommendations and comments received during the public consultation.

Return of Sami cultural objects to Sápmi

Concluding observations, paras 46-47, part 2

235. A prerequisite to preserving and exhibiting Sami cultural artefacts is appropriate facilities at the six Sami museums in Norway. In the last decade, a key issue has been to contribute to making it possible for Sami museums to receive Sami cultural artefacts as part of the 'Bååstede Repatriation Project'. Through this project, approximately 1,600 objects are scheduled to be returned to Sami museums, from collections held by the Norwegian Museum of Cultural History and the Museum of Cultural History of the University of Oslo.

236. The Skolt Sami/East Sami, and the South Sami cultural objects from the project have been returned and are now exhibited at *Ä´vv Skolt Sami Museum* in Neiden, and *Saemien Sijte* in Snåsa. These museums have been built by the Government's building commissioner, Statsbygg. It is the Sámediggi that lays down the guidelines for which Sami cultural buildings should be prioritised.

237. Statsbygg is planning a new museum building for the Sami museum *RiddoDuottarMuseat* in Karasjok. The project planning includes exhibition space for the Sami art collection, which is owned by the Sámediggi, as well as space to be able to receive items from the *Bååstede* Repatriation Project for the North Sami area. For the three remaining Sami museums, investments in exhibition and storage facilities have made it possible to receive and exhibit *Bååstede* objects. The Government has contributed with investment funds to two of these museums.

238. Ceremonial objects such as Sami drums are of particular value for the Sami people. In 2022, ownership of Anders Poulson's Sami drum was transferred from the National Museum of Denmark to the *RiddoDuottarMuseat* in Karasjok. Furthermore, a South Sami ceremonial drum, *Frøyningsfjelltromma*, was repatriated from a German museum to *Saemien Sijte* in 2023. The return of this ceremonial object to its place of origin happened 300 years after it was originally confiscated by Norwegian clergy. The Ministry of Culture and Equality considers the repatriation of the *Frøyningsfjelltromma* to be very important in view of the potential subsequent return of drums and other objects from Germany to Sápmi. In 2021, the codicil *Lappekodisillen* was also moved from the National Archives' storage in Oslo to Sápmi and is now deposited at the Sami archives in Kautokeino/Guovdageaidnu. *Lappekodisillen* forms the basis for the Sami's legal rights.

Seventh periodic report submitted by States parties under articles 16 and 17 of the Covenant – Norway

Annex 1 Further information, references and sources

Para 6

- Official website of the Norwegian Government: https://www.regjeringen.no/en.

Paras 8-14

- See The Constitution of the Kingdom of Norway, available at https://lovdata.no/dokument/NLE/lov/1814-05-17 (English transl.).
- See 'Human Rights Act' *Act relating to the strengthening of the status of human rights in Norwegian law*, available at https://lovdata.no/dokument/NLE/lov/1999-05-21-30 (English transl.).
- See 'Lawyers Act', *Lov om advokater og andre som yter rettslig bistand*, available at https://lovdata.no/dokument/NL/lov/2022-05-12-28 (Norwegian only).
- The annual training programme for all judges in 2025 will dedicate an entire day to the application of human rights across relevant topics. It will focus on methodologies, reparations for human rights violations, human rights in criminal proceedings, and the presentation of checklists.
- See White Paper, *Meld. St. 39 (2015–2016) Individklageordningene til FNs konvensjoner om økonomiske, sosiale og kulturelle rettigheter, barnets rettigheter og rettighetene til mennesker med nedsatt funksjonsevne*, available at https://www.regjeringen.no/no/dokumenter/meld.-st.-39-20152016/id2513020/ (Norwegian only).
- See *Instructions for Official Studies of Central Government Measures*, available at https://lovdata.no/dokument/INS/forskrift/2016-02-19-184 (Norwegian only).

Paras 15-18

- According to the Government Pension Fund Act, the Government Pension Fund Global (GPFG) has one objective, namely to achieve the highest possible return at an acceptable level of risk. Within the financial objective, the GPFG shall be a responsible investor. The Fund is invested in around 9,000 companies across 70 countries. On average the Fund owns 1,5 per cent of the companies in its portfolio. It shall only be invested outside Norway and not in Norwegian companies. See 'Government Pension Fund Act', *Act relating to the Government Pension Fund*, available at https://www.regjeringen.no/contentassets/9d68c55c272c41e99f0bf45d24397d8c/government-pension-fund-act-01.01.2020.pdf (English transl.).
- See 'Management Mandate for the Government Pension Fund Global', Ministry of Finance, 2024, available at https://www.regjeringen.no/contentassets/9d68c55c272c41e99f0bf45d24397d8c/2024.06.30_gpfg_management_mandate.pdf (English transl.).
- See 'Guidelines for Observation and Exclusion of companies from the Government Pension Fund Global (GPFG)', Ministry of Finance, 2022, available at https://www.regjeringen.no/contentassets/9d68c55c272c41e99f0bf45d24397d8c/2022.09.05_gpfg_guidelines_observation_exclusion.pdf (English transl.).
- See Norwegian Official Report, *NOU 2020: 7 Values and Responsibility – The Ethical Framework for the Norwegian Government Pension Fund Global*, summary available at https://www.regjeringen.no/en/dokumenter/nou-2020-7/id2706536/ (in English), full version available at https://www.regjeringen.no/no/dokumenter/nou-2020-7/id2706536/ (Norwegian only).
- See Council on Ethics' Letter ref. 24/4-17, 30.08.2024, available at https://www.regjeringen.no/contentassets/463c2284078a49fd982f996f39c3453f/brev-fra-etikkradet-til-finansdepartementet.pdf (Norwegian only).

Paras 19-23

- See Action Plan, *Business and Human Rights National Action Plan for the implementation of the UN Guiding Principles,* Ministry of Foreign Affairs, 2015, available at https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/mr/business_hr_b.pdf (English transl.).

- See 'Transparency Act', *Act relating to enterprises' transparency and work on fundamental human rights and decent working conditions,* available at https://lovdata.no/dokument/NLE/lov/2021-06-18-99 (English transl.).
- See White Paper, *Meld. St. 6 (2022–2023) Greener and more active state ownership – The State's direct ownership of companies*, available at https://www.regjeringen.no/contentassets/b45b4a63e301435293bd1b10d1ede45b/en-gb/pdfs/stm202220230006000engpdfs.pdf (English transl.).
- *Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence* will, among other provisions, ensure that companies covered by the directive can be held responsible for damage caused to affected parties when the conditions for civil liability are met. It is available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401760 (English).

Paras 24-32

- See 'Climate Change Act', *Act relating to Norway's climate targets*, available at https://lovdata.no/dokument/NLE/lov/2017-06-16-60 (English transl.).
- See Proposition to the Storting, *Prop. 1 S (2024–2025) Regjeringens klimastatus og -plan – Særskilt vedlegg til Prop. 1 S (2024–2025)*, available at https://www.regjeringen.no/contentassets/1b2fd715fe494bd886a4756a49737670/no/pdfs/regjeringens-klimastatus-og-plan.pdf (Norwegian only).
- See Report, *Norway's first Biennial Transparency Report under the Paris Agreement,* Norwegian Ministry of Climate and Environment, 2025, available at https://www.regjeringen.no/contentassets/1da5b7f1cd264740a9fb0a90f311a686/en-gb/pdfs/norways-first-biennial-transparency-report-under-t.pdf (English).

Paras 33-34

- See White Paper, *Meld. St. 40 (2020–2021) Mål med mening – Norges handlingsplan for å nå bærekraftsmålene innen 2030*, available at https://www.regjeringen.no/contentassets/bcbcac3469db4bb9913661ee39e58d6d/no/pdfs/stm202020210040000dddpdfs.pdf (Norwegian only).

Para 36

- See 'Legal Aid Act', *Lov om fri rettshjelp*, available at https://lovdata.no/dokument/NL/lov/1980-06-13-35 (Norwegian only).
- See Norwegian Official Report, *NOU 2020: 5 Likhet for loven – Lov om støtte til rettshjelp (rettshjelpsloven),* available at https://www.regjeringen.no/contentassets/d585490f628a4504bb450fdf5d92f637/no/pdfs/nou202020200005000dddpdfs.pdf (Norwegian only).
- See Proposition to the Storting, *Prop. 103 L (2024–2025) Endringer i rettshjelpsloven mv. (prioriterte sakstyper for rettshjelp mv.),* available at https://www.regjeringen.no/no/dokumenter/prop.-103-l-20242025/id3094626/ (Norwegian only).

Para 39

- See Action Plan, *A Just World is an Equal World – Action Plan for Women's Rights and Gender Equality in Norway's Foreign and Development Policy (2023–2030),* Ministry of Foreign Affairs, 2023, available at https://www.regjeringen.no/contentassets/807b40290fe54663ae1bca5fafae1218/en-gb/pdfs/a-just-world-is-an-equal-world.pdf (English transl.).

Paras 42-50

- The Equality and Anti-Discrimination Act prohibits discrimination on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age or any combination of these factors. "Ethnicity" includes national origin, descent, skin colour and language. Additionally, harassment on the basis of any of these factors is also prohibited, as is sexual harassment. The Act, which aims in particular to improve the position of women and minorities, applies to all sectors of society, including family life and other personal relationships. In order to achieve real equality, the Act also allows for positive differential treatment in some cases, both for women and for men. Furthermore, the Working Environment Act prohibits discrimination on the basis of political views, membership of a trade union, and age, as well as discrimination against an employee who works part-time or on a temporary basis. See the 'Equality and Anti-Discrimination Act', *Act*

relating to equality and a prohibition against discrimination, available at https://lovdata.no/dokument/NLE/lov/2017-06-16-51 (English transl.) and the 'Working Environment Act', *Act relating to the working environment, working hours and employment protection, etc.,* available at https://lovdata.no/dokument/NLE/lov/2005-06-17-62 (English transl.).

- The Constitution of the Kingdom of Norway, Article 98: "All people are equal under the law. No human being must be subject to unfair or disproportionate differential treatment".
- Persons subjected to discrimination may bring their case before the ordinary courts or the Anti-Discrimination Tribunal. The Tribunal is a low threshold service, which reviews cases free of charge. With a few exceptions, the Tribunal can make binding decisions and order correction, cessation, and other measures that are necessary in order to bring the discriminatory situation to an end. The Tribunal can impose a coercive fine in order to ensure execution of an order. It also has the competence to order redress in cases regarding employment and the employer's choice and treatment of self-employed persons and contracted workers. The Equality and Anti-Discrimination Ombud (LDO) has a statutory obligation to provide guidance under the Equality and Anti-Discrimination Ombud Act. See the 'Equality and Anti-Discrimination Ombud Act', *Act relating to the Equality and Anti-Discrimination Ombud and the Anti-Discrimination Tribunal,* available at https://lovdata.no/dokument/NLE/lov/2017-06-16-50 (English transl.).
- The legal review was carried out by the law firm Lund & Co. The report is available at https://www.regjeringen.no/contentassets/27c4d6912ba243298c664c29c53dfd7d/2024-09-16-rapport-om-handhevingsapparatet_lund-rapporten-til-kud.pdf (Norwegian only).
- See Action Plan, *Handlingsplan mot hets og diskriminering av samer 2025–2030,* Ministry of Culture and Equality, 2025, available at https://www.regjeringen.no/no/dokumenter/handlingsplan-mot-hets-og-diskriminering-av-samer-2025-2030/id3085742/, (Norwegian, North Sámi and Lule Sámi only).
- See 'Police Databases Act', *Act relating to the processing of data by the police and the prosecuting authority,* available at https://lovdata.no/dokument/NLE/lov/2010-05-28-16 (English transl.).
- See Action Plan, *Diversity, dialogue and trust – Action plan for the work of the police (2022–2025),* National Police Directorate, 2022, available at https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/pod/diversity-dialogue-and-trust---action-plan-for-the-work-of-the-police-2022-2025.pdf (English transl.).
- See 'Names Act', *Lov om personnavn*, available at https://lovdata.no/dokument/NL/lov/2002-06-07-19 (Norwegian only).
- See Proposition to the Storting, *Ot.prp. nr. 31 (2001–2002) Om lov om personnavn (navneloven),* available at https://www.regjeringen.no/contentassets/c1f2df08c6e2434b86878cd7c2138745/no/pdfa/otp200120020031000dddpdfa.pdf (Norwegian only).
- The Norwegian Tax Administration handles applications for name changes. Decisions can be appealed to the relevant County Governor.
- See 'Security Act', *Act relating to national security,* available at https://lovdata.no/dokument/NLE/lov/2018-06-01-24 (English transl.), see also 'Clearance Regulations', *Regulations relating to security clearance and other clearance,* available at https://lovdata.no/dokument/SFE/forskrift/2018-12-20-2054 (English transl.).
- Regarding the security clearance system, it is for instance claimed by civil society that practices in security clearance cases exclude individuals based on their connections to other states, and that long processing times, lack of transparency and inadequate appeal opportunities undermine fundamental rights such as the right to work, non-discrimination, and access to effective remedies.
- See White Paper, *Meld. St. 9 (2024–2025) Total preparedness – Prepared for crisis and war),* available at https://www.regjeringen.no/contentassets/c24e6978185f4a49a7d2689a4741a9b1/en-gb/pdfs/stm202420250009000engpdfs.pdf (English transl.).

Paras 51-65

- See Action Plan, *The Norwegian Government's Action Plan against Racism and Discrimination on the Grounds of Ethnicity and Religion (2020–2023),* Ministry of Culture, 2020, available at https://www.regjeringen.no/contentassets/589aa9f4e14540b5a5a6144aaea7b518/action-plan-against-racism-and-discrimination_uu.pdf (English transl.).
- See Action Plan, *Action plan on racism and discrimination – New initiatives 2024–2027,* Ministry of Labour and Social Inclusion, 2024, available at https://www.regjeringen.no/contentassets/8da2b05800224771a3548ba4007817e4/a-0061-e-action-plan-racism-and-discrimination_032024.pdf (English transl.).

- See 'Integration Act', *Lov om integrering gjennom opplæring, utdanning og arbeid,* available at https://lovdata.no/dokument/NL/lov/2020-11-06-127 (Norwegian only).
- For the scheme "Norwegian language training and social studies", the requirement of having completed a fixed number of hours of training is in the new Integration Act replaced with the requirement of a minimum level of Norwegian language proficiency. The target group is the same as in the Introduction Act, but the age has been raised to 18 years. The same is now the case for the target group for the scheme "Norwegian language training and social studies for asylum seekers in reception centres".
- See White Paper, *Meld. St. 17 (2023–2024) Om integreringspolitikken: Stille krav og stille opp,* available at https://www.regjeringen.no/contentassets/0b74b84e746a452eb0b64a88c873a6fe/no/pdfs/stm202320240017000dddpdfs.pdf (Norwegian only).
- See Proposition to the Storting, *Prop. 81 L (2024–2025) Endringer i integreringsloven mv. (økt arbeidsretting og formell opplæring i introduksjonsprogrammet),* available at https://www.regjeringen.no/no/dokumenter/prop.-81-l-20242025/id3094568/ (Norwegian only).
- The Qualification Programme is a full-time individually tailored programme consisting of work-oriented measures combined with a broad range of other activities that facilitate and prepare for the transition to employment. It is administered locally by the municipalities.
- See *Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications*, available at https://eur-lex.europa.eu/eli/dir/2005/36/oj/eng (English).
- The action plan against antisemitism includes measures e.g., to increase knowledge about antisemitism and Jewish religion and culture, as well as measures to strengthen Jewish organisations. See *Handlingsplan mot antisemittisme 2025–2030,* Ministry of Local Government and Regional Development, 2024, available at https://www.regjeringen.no/contentassets/962f310995e349fbbea77927473556c0/no/pdfs/handlingsplan-mot-antisemittisme-2025-2030.pdf (Norwegian only).
- The action plan against anti-Muslim sentiment contains measures such as obtaining knowledge on Muslims' experiences with discrimination in interactions with local authorities, maintaining a good dialogue between the police and Muslim faith communities, updating a national guide on hate speech, harassment and threats against politicians, and obtaining information on the impact of racism, discrimination and hate speech on social participation. See *Handlingsplan mot muslimfiendtlighet 2025–2030*, Ministry of Culture and Equality, 2024, available at https://www.regjeringen.no/contentassets/fd16a9e7ebc9441183a2b901a4b93edf/no/pdfs/handlingsplan-mot-muslimfiendtlighet-2025-2030.pdf (Norwegian only).
- See Report, *Report on the Norwegian Government's follow-up of Beijing Declaration and Platform (2020–2024),* Ministry of Culture and Equality, 2024, available at https://www.regjeringen.no/contentassets/cb19f3a18c354e3e81efea720bc8d926/report-on-the-norwegian-governments-follow-up-of-beijing-declaration-and-platform-2020-2024.pdf (English).
- See Report, *Voluntary National Review 2021 Norway,* Norwegian Ministry of Local Government and Modernisation, 2021, available at https://www.regjeringen.no/contentassets/cca592d5137845ff92874e9a78bdadea/en-gb/pdfs/voluntary-national-review-2021.pdf (English).
- See the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) website: https://www.bufdir.no/statistikk-og-analyse/etnisitet-religion/.

Para 69-73

- The equality strategy's goals are: (1) economic independence and a gender-equal labour market, (2) fewer gender-divided educational choices, (3) a society free from violence, rape, sexual harassment, and online hate, (4) freedom from negative social control and honour-related violence, (5) better health for women and men, and (6) an effective toolkit for gender equality. See *Strategy for Gender Equality 2025–2030,* Ministry of Culture and Equality, 2024, available at https://www.regjeringen.no/contentassets/7824055c55244a87a86bbb4007fe7fcf/en-gb/pdfs/strategi-for-likestilling-mellom-kvinner-og-menn-e.pdf (English transl.).
- The goals of the white paper on sexual harassment are: (1) an equal society, (2) good and effective guidance and enforcement in cases of sexual harassment, (3) a safe and decent working life free from sexual harassment, (4) an educational setting free from sexual harassment, (5) culture and leisure activities, sports, and voluntary work free from sexual harassment, (6) a digital life free from sexual harassment and (7) more knowledge and research on sexual harassment. See White Paper, *Meld. St. 7 (2024–2025) Om seksuell trakassering,* available at

https://www.regjeringen.no/contentassets/af5625a75a494970ae631bafbd6499f2/no/pdfs/stm202420250007000dddpdfs.pdf (Norwegian only).
- See Norwegian Official Report, *NOU 2024: 8 The Next Step for Gender Equality,* available at https://www.regjeringen.no/contentassets/6571a61b163e49f593eee6ab7a338ff6/no/pdfs/nou202420240008000dddpdfs.pdf (summary in English).
- The equality centres should base their activities on the best available knowledge and help to disseminate and ensure that national professional advice is utilised. Furthermore, the centres should stay updated on, develop, and disseminate knowledge about all grounds of discrimination. In the 2022, each of the centres received an increase in operational funds equivalent to 1-2 positions. This has contributed to increased activity at the centres. The funding was continued in 2023 and further strengthened by NOK 4 million from 2024 onwards, to establish the new equality centre in Western Norway.
- The goals of the "Boys into Healthcare Professions" project is to be achieved by highlighting role models for boys. This includes ensuring that boys in lower and upper secondary schools receive comprehensive and nuanced information about opportunities in the sector, and helping school staff gain a deeper understanding of how educational choices are influenced by gender and to recognise that the initiative as a tool.
- Key activities for the "Girls and Technology" programme in 2023 included a nationwide tour for pupils in the 9th and 10th grades, company visits, digital broadcasts, and the "Girls and Technology Days", which are aimed at girls in upper secondary school who are applying for education at university colleges, universities, and vocational schools.

Para 77
- More information on the CORE – Centre for Gender Research at the Institute for Social Research's ongoing research project *Active equality efforts – Public authorities and employers' activity duty and the duty to issue a statement* is available at https://www.samfunnsforskning.no/english/projects/aktive/active-equality-efforts/index.html (English).

Paras 78-80
- In the project *Pay Mapping: A Tool for a More Gender-Equal Workplace?,* CORE – Centre for Gender Research at the Institute for Social Research analysed equality reports from 75 large Norwegian companies. The analysis showed that all companies in the study maps and reports on pay differences. The companies considered pay mapping a useful tool that could uncover differences in pay they had not been aware of and for which they had implemented concrete measures to correct. At the same time, the report shows that the companies found pay mapping to be extensive and resource intensive. Particularly, assessing jobs of equal value were found to be labour-intensive by many; at the same time, it was also these assessments that provided new insights for several companies. The researchers looked into the possibility of a national overview of the companies' pay mapping. They point to an alternative of establishing a national portal for uploading reports and equality statements. See report *Gender pay reporting: a tool for a more equal working life?,* available at https://hdl.handle.net/11250/3121490 (summary in English). A new report from the Institute for Social Research, *Unequal Pay for Equal Work? Pay Differences Between Women and Men, 2015–2022*, published in 2024, shows that a significant portion of the wage gap can be explained by generally higher wages in male-dominated parts of the labour market than in the female-dominated parts of the labour market. The wage gap varies across sectors, industries, education groups, occupations, and labour market regions. The researchers finds that women on average have longer education than men, but within fields of study with lower wages. The gap between men and women with equally long education is therefore larger than the gap between all men and women. Explanations include the unequal distribution of men and women in the labour market and of unequal education, experience, and part-time work, in addition to different wages for the same observable characteristics. However, unequal pay for equal characteristics is not necessarily discrimination but can also be due to differences along characteristics. See report *Equal pay for equal work? Gender differences in wages, 2015–2022,* available at https://hdl.handle.net/11250/3164447 (summary in English).

Paras 81-90
- See White Paper, *Meld. St. 33 (2023–2024) En forsterket arbeidslinje – flere i jobb og færre på trygd,* available at https://www.regjeringen.no/no/dokumenter/meld.-st.-33-20232024/id3052167/ (Norwegian only).
- See 'National Insurance Act', *Lov om folketrygd,* available at https://lovdata.no/dokument/NL/lov/1997-02-28-19 (Norwegian only).

- See Regulation, *Forskrift om universell utforming av informasjons- og kommunikasjonsteknologiske (IKT)-løsninger,* available at https://lovdata.no/dokument/SF/forskrift/2013-06-21-732/%C2%A74d#%C2%A74d (Norwegian only).
- See Proposition to the Storting, *Prop. 81 L (2016–2017), Lov om likestilling og forbud mot diskriminering (likestillings- og diskrimineringsloven),* chapter 22.10.7, available at https://www.regjeringen.no/contentassets/51354b713e3a4b17bf2c85f7dad51789/no/pdfs/prp201620170081000dddpdfs.pdf (Norwegian only).
- See *Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies,* available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2016.327.01.0001.01.ENG&toc=OJ%3AL%3A2016%3A327%3ATOC (English).

Para 95

- The cases referenced in this paragraph include cases where the Anti-Discrimination Tribunal concluded that there had been a breach of the prohibition on sexual harassment, not a breach, where the case was dismissed or closed, cf. *The Act relating to the Equality and Anti-Discrimination Ombud and the Anti-Discrimination Tribunal* sections 11 and 12.

Paras 99-105

- More information on the Labour Inspection Authority may be found in the Norwegian Government's report to the ILO on Convention No. 81 concerning Labour Inspection in Industry and Commerce from 2024.
- See e.g. the report *Helseproblemer og ulykker i bygg og anlegg – rapport 2024,* Labour Inspection Authority, 2025, available at https://www.arbeidstilsynet.no/globalassets/rapportar/kompass/kompass-tema-nr-1.-2025-helseproblemer-og-ulykker-i-bygg-og-anlegg.pdf (Norwegian only).
- The National Occupational Health Surveillance (NOA) is established as part of the National Institute of Occupational Health (STAMI).
- In the Labour Inspection Authority's statistical data over occupational deaths that have occurred within land-based activities statistics, an 'occupational death' is defined as a death caused by a workplace accident, where the injured person dies within one year after the accident. A 'workplace accident' is defined as a sudden or unexpected external strain or burden that someone has been exposed to at work. Work-related fatalities resulting from violent acts are also included in the statistics.
- This table shows the number of occupational deaths per year and the total (2019–2023), organised by main activity area. Data from the Labour Inspection Authority, 2024.

Main activity area	**2019**	**2020**	**2021**	**2022**	**2023**	**Total**
Agriculture, forestry and fishing	5	6	5	6	3	25
Mining and quarrying	1	0	0	1	1	3
Manufacturing	3	2	6	1	3	15
Water supply, sewerage and waste	2	0	0	1	0	3
Construction	9	8	9	8	6	40
Wholesale and retail trade: repair of motor vehicles and motorcycles	1	0	0	0	3	4
Transportation and storage	5	7	7	7	6	32
Accommodation and food service activities	0	1	1	0	1	3
Professional, scientific and technical activities	0	0	0	0	1	1
Administrative and support service activities	2	3	2	2	1	10
Public administration and defence	1	0	1	0	0	2
Education	0	0	0	0	1	1
Human health and social work activities	0	1	0	0	0	1
Unknown	0	0	0	1	0	1
Total	**29**	**28**	**31**	**27**	**26**	**141**

Paras 107-122

- See *The Norwegian Social Insurance Scheme 2025*, Ministry of Labour and Social Inclusion, 2025, available at https://www.regjeringen.no/contentassets/7404ed915a2b492fa10288752e82b132/the-norwegian-social-insurance-scheme-2025.pdf (English transl.)

- More information on Indexation of the National Insurance Scheme's 'Basic Amount' and Pensions are available at the Government's website, https://www.regjeringen.no/en/topics/pensions-and-welfare/innsikt/the-social-security-system/indexation-of-the-national-insurance-schemes-basic-amount-and-pensions/id2008616/ (English).
- See 'New Old-age Pension Act', *Lov om endringer i folketrygdloven,* available at https://lovdata.no/dokument/NL/lov/2009-06-05-32 (Norwegian only).
- See 'Social Services Act', *Act on social services in the labour and welfare administration,* available at https://lovdata.no/dokument/NL/lov/2009-12-18-131 (Norwegian only).
- The financial social assistance rates are adjusted every year according to the consumer price index.
- See Guide, *Barnets beste – En veileder for deg som jobber i NAV,* Norwegian Labour and Welfare Administration, 2024, available at https://www.nav.no/_/attachment/inline/8c452487-1e12-4bc2-b084-bf8b1e04bc07:e520eac15d0ddcac0733b644ccdc5f0a655fc761/Barnets%20beste%20-%20veileder%2020032024.pdf (Norwegian only)
- See Regulation*, Forskrift om sosiale tjenester for personer uten fast bopel i Norge, issued pursuant to the Social Services Act, section 2.* Available at https://lovdata.no/dokument/SF/forskrift/2011-12-16-1251 (Norwegian only)

Paras 123-125

- See White Paper, *Meld. St. 6 (2023–2024) Et forbedret pensjonssystem med en styrket sosial profil,* available at https://www.regjeringen.no/contentassets/5d8550e1045d4f8684acdf893bd10b50/no/pdfs/stm202320240006000dddpdfs.pdf (Norwegian only). Important elements in the settlement are:
  - From the 1964 cohort and onwards, age limits in the pension system will be increased in line with life expectancy.
  - The unconditional retirement age for the National Insurance Scheme's old-age pension, currently at 67 years, will be referred to as the 'standard pensionable age' (SPA).
  - All age limits in the pension system will be adjusted in line with the adjustment of the SPA.
  - The upper age limit for other income security schemes in the National Insurance Scheme system (including disability pensions) will also increase in line with the SPA.
  - The minimum pension level will follow the general economic development, by adjusting minimum levels at the standard retirement age with the basic amount (wage indexation).

Paras 126-141

- See 'The Marriage Act', *Act on marriage*, available at https://lovdata.no/dokument/NL/lov/1991-07-04-47 (English transl.).
- See Proposition to the Storting*, Prop. 36 S (2023–2024) Opptrappingsplan mot vold og overgrep mot barn og vold i nære relasjoner (2024–2028)* – Trygghet for alle, available at https://www.regjeringen.no/contentassets/9f13c290967946d9b9ccf721bcfa58b8/no/pdfs/prp202320240036000dddpdfs.pdf (Norwegian only).
- See Action Plan, *Sametingets handlingsplan mot vold 2023–2025,* Sámediggi, 2023, available at https://sametinget.no/_f/p1/i9e6bf0b3-d042-4814-8c64-7ebee191b1d7/sametingets-handlingsplan-mot-vold-2023-2025-norsk.pdf (Norwegian, North Sámi and South Sámi only).
- See 'Criminal Procedure Act', *Act relating to legal procedure in criminal cases,* available at https://lovdata.no/dokument/NL/lov/1981-05-22-25 (Norwegian only).
- See 'The Penal Code', available at https://lovdata.no/dokument/NLE/lov/2005-05-20-28 (English transl.).
- See 'Execution of Sentences Act', *Act relating to the execution of sentences etc.,* available at https://lovdata.no/dokument/NLE/lov/2001-05-18-21 (English transl.).
- See Action Plan, *Freedom from Negative Social Control and Honour Based Violence 2021–2024,* Ministry of Education and Research, 2022, available at https://www.regjeringen.no/globalassets/departementene/dio/ukraina/some-bilder-plakater/freedom-from-negative-social-control-and-honour-based-violence-2021-2024.pdf (English transl.).
- See Proposition to the Storting, *Prop. 12 S (2016–2017) Escalation Plan Against Violence and Abuse (2017–2021),* available at https://www.regjeringen.no/contentassets/f53d8d6717d84613b9f0fc87deab516f/no/pdfs/prp201620170012000dddpdfs.pdf (Norwegian only), and action plans *Freedom from Violence (2021–2024),* Ministry of Justice and Public Security, 2021, available at https://www.regjeringen.no/contentassets/9c4fb648c66c4c1eb2e58f645eb870b8/209755-jd-frihetfravold-web.pdf (Norwegian only), and *Safety, diversity and openness – The Norwegian Government's Action Plan*

Against Discrimination Based on Sexual Orientation, Gender Identity, Gender Expression and Gender Characteristics (2021–2024), Ministry of Culture, 2021, available at https://www.regjeringen.no/contentassets/023227879f06471793113a7f116e71b9/210624-handlingsplan-lhbtiq_-.pdf (Norwegian only).

- See Norwegian Official Report, *NOU 2022: 21 Strafferettslig vern av den seksuelle selvbestemmelsesretten – Forslag til reform av straffeloven kapittel 26,* available at https://www.regjeringen.no/contentassets/478ade7f5c3844c08ba9a090e72539cd/no/pdfs/nou202220220021000dddpdfs.pdf (Norwegian only).
- See Proposition to the Storting, *Prop. 132 L (2024–2025) Endringer i straffeloven (samtykke til seksuell omgang m.m.),* available at https://www.regjeringen.no/contentassets/f615a34a015646c99de0876a1da4783e/no/pdfs/prp202420250132000dddpdfs.pdf (Norwegian only).
- See Norwegian Official Report, *NOU 2024: 4 Voldtekt – et uløst samfunnsproblem,* available at https://www.regjeringen.no/contentassets/837fb67492034388a20e378814135863/no/pdfs/nou202420240004000dddpdfs.pdf (Norwegian only).

Paras 142-144

- See Regulation*, Forskrift om omsorgen for enslige mindreårige som bor i asylmottak, issued pursuant to the Immigration Act*, available at https://lovdata.no/dokument/SF/forskrift/2021-05-12-1520 (Norwegian only).
- The County Governor of Østfold, Buskerud, Oslo and Akershus is responsible for supervision of care at reception centres with unaccompanied asylum-seeking minors throughout the country.
- See 'Health and Care Services Act', *Lov om kommunale helse- og omsorgstjenester m.m.,* available at https://lovdata.no/dokument/NL/lov/2011-06-24-30 (Norwegian only).

Paras 145-154

- See 'Child Welfare Act', *Act relating to child welfare*, available at https://www.regjeringen.no/contentassets/221b1c050f72434b8fb56564af085ea7/ny-barnevernslov-1.-januar-2023-en.pdf (English transl.).
- See White Paper, *Meld. St. 29 (2023–2024) Fosterheim – ein trygg heim å bu i,* available at https://www.regjeringen.no/contentassets/623f2b1aaa9d4f9c9b68e2299672d5a3/nn-no/pdfs/stm202320240029000dddpdfs.pdf (Norwegian only). The white paper also signals the Government's intention to develop specific support schemes for parents whose children are in foster care.
- The structured procedure consists of several steps: 1) Assessment and initiation: The child welfare service assesses the child's needs and initiates the procedure. 2) Collaboration: Cooperation between child welfare services and health services to ensure comprehensive follow-up. 3) Assessment and investigation: Conducted by health services to identify the child's health needs. 4) Status Meeting: Evaluation of the child's situation and planning of further measures. 5) Conclusion: The procedure concludes when the goals are achieved but can be reactivated if needed.
- See Strategy, *Vårt felles ansvar – ny retning for barnevernets institusjonstilbud,* Ministry of Children and Families, 2024, available at https://www.regjeringen.no/contentassets/4c19011094d048dfac26f4c631127cb7/no/pdfs/vart-felles-ansvar-strategi.pdf (Norwegian only).
- The health professionals' teams connected to child welfare institutions will both arrange necessary healthcare and supervise employees in matters of health. To simplify the collaboration, a role has already been established for a child welfare officer in mental health services for children and adolescents.
- The County Governor can examine all aspects that are important for the institution to provide services and measures that are proper and in the best interest of each child. Supervision must take place on-site as often as necessary, and at least twice a year. Institutions that receive children based on the child's own behaviour must be supervised on-site at least four times a year. The County Governor prepares an annual report that includes an overview of the number of on-site supervisions carried out and an overview of supervision conversations with children.

Para 159-163

- See White Paper, *Meld. St. 33 (2023–2024) En forsterket arbeidslinje – flere i jobb og færre på trygd*, available at https://www.regjeringen.no/no/dokumenter/meld.-st.-33-20232024/id3052167/ (Norwegian only).

- See Report, *En barndom for livet – Økt tilhørighet, mestring og læring for barn i fattige familier,* 2024, available at https://www.regjeringen.no/contentassets/df568c8ea68f48d6b03f2cca6149cf77/no/pdfs/barn-i-fattige-familier.pdf (Norwegian only).
- Strategy, *Statusdokument for videreføring av Like muligheter i oppveksten – Samarbeidsstrategi for barn og ungdom i lavinntektsfamilier,* Ministry of Children and Families, 2024, available at https://www.regjeringen.no/contentassets/e28c43fc317c4c1dabf5bf5758433bbe/no/pdfs/statusdokument_like-muligheter-i-oppveksten.pdf (Norwegian only).
- See Action Plan, *Alle inkludert! Handlingsplan for like muligheter til å delta i kultur-, idretts- og friluftslivsaktiviteter, 2024–2026,* Ministry of Culture and Equality, 2024, available at https://www.regjeringen.no/contentassets/8f16bda53f3844d09c5df254e3a9add8/no/pdfs/alle-inkludert.pdf (Norwegian only).

Paras 164-179

- See White Paper, *Meld. St. 13 (2023–2024), Bustadmeldinga – Ein heilskapleg og aktiv bustadpolitikk for heile landet*, available at https://www.regjeringen.no/contentassets/1b62b93f23da4bfea02d860f380fab87/nn-no/pdfs/stm202320240013000dddpdfs.pdf (Norwegian only).
- See 'Social Housing Act', *Lov om kommunenes ansvar på det boligsosiale feltet,* available at https://lovdata.no/dokument/NL/lov/2022-12-20-121 (Norwegian only).
- The municipalities have approx. 110,000 rental homes including care homes at their disposal. In 2022, 22,150 households were allocated municipal housing, while 3,666 households were on a waiting list.
- See 'Planning and Building Act', *Lov om planlegging og byggesaksbehandling,* available at https://lovdata.no/dokument/NL/lov/2008-06-27-71?q=Pbl (Norwegian only).
- See 'Tenancy Act', *Lov om husleieavtaler*, available at https://lovdata.no/dokument/NL/lov/1999-03-26-17 (Norwegian only).
- See Norwegian Official Report, *NOU 2024: 19 Ny boligleielov*, available at https://www.regjeringen.no/contentassets/2dfc16958c5642eeae165a37b134dfe6/no/pdfs/nou202420240019000dddpdfs2.pdf (Norwegian only).

Paras 184-187

- See Strategy, *God og riktig mat hele livet – Nasjonal strategi for godt kosthold og ernæring hos eldre i sykehjem og som mottar hjemmetjenester,* Ministry of Health and Care Services, 2021, available at https://www.regjeringen.no/globalassets/departementene/hod/folkehelse/i-1204-b_ernaringsstrategi_uu.pdf (Norwegian only).
- See White Paper, *Meld. St. 24 (2022–2023) Fellesskap og meistring – Bu trygt heime,* available at https://www.regjeringen.no/contentassets/a8280e2548c04d3ea6898078480bfa0c/nn-no/pdfs/stm202220230024000dddpdfs.pdf (Norwegian only).
- The target group for the *TryggEst* model, vulnerable adult residents, includes those with physical or cognitive disabilities, the elderly, people with dementia, somatic diseases, mental health issues, substance abuse problems, or long-term illnesses.
- The number of municipalities that have adopted the *TryggEst* model has increased from 28 in 2022 to 55 in 2023. Another 27 new municipalities started the process in 2024.

Para 190

- Residency is defined as being registered as a resident in the National Population Register, cf. the *Regulation on Patient Rights, General Practitioner Services* section 2*,* available at https://lovdata.no/dokument/SF/forskrift/2012-08-29-843 (Norwegian only).

Paras 192-202

- See White Paper, *Meld. St. 23 (2022–2023) Opptrappingsplan for psykisk helse (2023–2033),* available at https://www.regjeringen.no/contentassets/0fb8e2f8f1ff4d40a522e3775a8b22bc/no/pdfs/stm202220230023000dddpdfs.pdf (Norwegian only). The 'Escalation plan' is organised along three "axes". Each dimension is followed by selected thematic areas with associated measures. The axes are: 1) Health promotion and preventive mental health work, 2) Good and accessible services where people live and 3) Services for people with long-term and complex needs.
- See 'Patient and User Rights Act', *Lov om pasient- og brukerrettigheter*, available at https://lovdata.no/dokument/NL/lov/1999-07-02-63 (Norwegian only).

- See Proposition to the Storting, *Prop. 31 L (2024–2025) Endringer i psykisk helsevernloven og pasient- og brukerrettighetsloven mv. (bedre beslutningsgrunnlag og behandling),* available at https://www.regjeringen.no/contentassets/efb69409734b40159b32e06567dc51aa/no/pdfs/prp202420250031000dddpdfs.pdf (Norwegian only).
- In 2022, the Government appointed a committee (the 'Consent Committee') tasked with evaluating the 2017 legislative amendment that introduced "lack of capacity to consent" as a criterion for the use of compulsory observation, involuntary mental health care, and examination and treatment without consent. The Committee, which submitted its report in 2023, recommended maintaining the criterion but emphasised the need for adjustments to the legislation. It furthermore referred extensively to the Coercion Law Committee's assessments and proposals but recommended, i.a., that the standard of proof for lack of capacity to consent be lowered from "manifestly" to "predominantly likely." See Report, *Bedre beslutninger, bedre behandling – rapport,* 2023*,* available at https://www.regjeringen.no/contentassets/0f3c47e50f144edb99f475e358d7126b/no/pdfs/rapport_bedre_beslutninger_bedre_behandling.pdf (Norwegian only).
- The 'Coercion Law Committee', which submitted its report in 2019, was tasked with revising the legislation governing the use of coercion with individuals suffering from severe mental disabilities, intellectual disabilities, substance abuse disorders, and patients lacking capacity to consent who oppose healthcare interventions. It proposed unified, more diagnosis-neutral rules on coercion and interventions without consent in health and care services. See Norwegian Official Report, *NOU 2019: 14 Tvangsbegrensningsloven – Forslag til felles regler om tvang og inngrep uten samtykke i helse- og omsorgstjenesten,* available at https://www.regjeringen.no/contentassets/78974ebb760a412cb646611ad2e57b9d/no/pdfs/nou201920190014000dddpdfs.pdf (summary in English).
- See 'Mental Health Care Act', *Lov om etablering og gjennomføring av psykisk helsevern,* available at https://lovdata.no/dokument/NL/lov/1999-07-02-62 (Norwegian only).

Paras 203-210

- See Norwegian Official Report, *NOU 2019: 26 Rusreform – fra straff til hjelp,* available at https://www.regjeringen.no/contentassets/78d1c46cd04f42f881e1ad0376c09c2e/no/pdfs/nou201920190026000dddpdfs.pdf (Norwegian only).
- See Supreme Court Judgments, *HR-2022-732-A*, available at https://lovdata.no/dokument/HRENG/avgjorelse/hr-2022-732-a-eng (English summary) and *HR-2022-731-A* available at https://lovdata.no/dokument/HRENG/avgjorelse/hr-2022-731-a-eng (English summary).
- 'Small amounts' is considered as five grams in respect of heroin, amphetamine, or cocaine.
- See Norwegian Official Report, *NOU 2024: 12 Håndheving av mindre narkotikaovertredelser,* available at https://www.regjeringen.no/contentassets/bdaa4218a48946cd950812e0f62837fb/no/pdfs/nou202420240012000dddpdfs.pdf (Norwegian only).
- See Proposition to the Storting, *Prop. 112 L (2024-2025) Endringer i straffeloven og legemiddelloven mv. (befatning med mindre mengder narkotika til egen bruk),* available at https://www.regjeringen.no/contentassets/f35589e9bc5c4cedaacb4fd5bf8ad65c/no/pdfs/prp202420250112000dddpdfs.pdf (Norwegian only).
- See 'Medicines Act', *Lov om legemidler m.v. (legemiddelloven),* available at https://lovdata.no/dokument/NL/lov/1992-12-04-132 (Norwegian only).
- As an example, for persons under the age of 18 who are found guilty after the proposed provision by the Committee on drug use and possession etc. of smaller amounts of drugs for personal use, the person should normally receive a suspended sentence on the condition that the person attends a meeting with the advisory unit. An important goal is to prevent younger persons from getting involved in illegal drugs.
- See White Paper, *Meld. St. 5 (2024–2025) Safety, community, and dignity. The prevention and treatment reform to address substance use – Part I. A new policy for prevention, harm reduction and treatment,* available at https://www.regjeringen.no/contentassets/eaf80c49b41b4d9eae9268019e1526cd/no/pdfs/stm202420250005000dddpdfs.pdf (Norwegian only)
- The 'drug reform' includes six priority areas: 1) Promote equal treatment and fulfil the right to health and quality of life; 2) strengthen the effort to prevent overdoses (including preventing alcohol related deaths); 3) promote knowledge-based prevention efforts; 4) promote the user, family and next of kin perspective; 5) further develop treatment and follow-up services; and 6) further develop and build competence.

- See the NIM reports *Drug use and human rights*, 2022, available at https://www.nhri.no/en/2023/drug-use-and-human-rights/ (English summary), and *You don't belong here,* 2024, available at https://www.nhri.no/en/2024/you-dont-belong-here/ (English summary).
- See 'Consumption Rooms Act'*, Lov om ordning med brukerrom for inntak av narkotika,* available at https://lovdata.no/dokument/NL/lov/2004-07-02-64 (Norwegian only).

Paras 211-223

- See 'Education Act', *Lov om grunnskoleopplæringa og den vidaregåande opplæringa,* available at https://lovdata.no/dokument/NL/lov/2023-06-09-30 (Norwegian only). The new Education Act also introduces a free right to re-select a study programme until the student is 19 years old, in contrast to the previous right to one re-selection. Those who have not exercised the right to re-selection before they are 19 years old, are entitled to one re-selection later, cf. the Act section 5-5.
- See White Paper*, Meld. St. 34 (2023–2024) En mer praktisk skole – Bedre læring, motivasjon og trivsel på 5.–10. trinn,* available at https://www.regjeringen.no/contentassets/dcc936e85f4c43bf90ecf0bafabb00a8/no/pdfs/stm202320240034000dddpdfs.pdf (Norwegian only).
- See 'Kindergarten Act', *Act relating to kindergartens,* available at https://lovdata.no/dokument/NLE/lov/2005-06-17-64 (English transl.).
- White Paper, *Meld. St. 19 (2023–2024) Profesjonsnære utdanningar over heile landet,* available at https://www.regjeringen.no/no/dokumenter/meld.-st.-19-20232024/id3032273/ (Norwegian only).
- Schools are important arenas for social and cultural inclusion. Teaching resources to counter group-focused enmity are developed for use in the various teacher education programmes. The Directorate for Education and Training has developed a mapping tool for mapping students' Norwegian skills. Several measures have been initiated to assists the municipalities in their work to provide good quality education for newly arrived children and youth. The National Centre for Multicultural Education (NAFO) has developed several multilingual digital resources and tools to use in kindergartens and for teaching newly arrived students. NAFO has also developed online mini-courses and resources for teachers and schools teaching newly arrived students.

Para 223

- White Paper, *Meld. St. 13 (2022–2023) Samisk språk, kultur og samfunnsliv – Kompetanse og rekruttering i barnehage, grunnopplæring og høyere utdanning*, available at https://www.regjeringen.no/contentassets/b821abc5741f4047a69af6de618cb172/no/pdfs/stm202220230013000dddpdfs.pdf (Norwegian only).
- 'Sami Act'*, Lov om Sametinget og andre samiske rettsforhold,* available at https://lovdata.no/dokument/NL/lov/1987-06-12-56 (Norwegian only).
- The pupils must have training in accordance with the 'Sami Curriculum' (*Læreplanverket for Kunnskapsløftet – samisk*), cf. the training regulations section 1-2 para. 1. See Regulation, *Forskrift om grunnskoleopplæringa og den vidaregåande opplæringa,* available at https://lovdata.no/dokument/SF/forskrift/2024-06-03-900/KAPITTEL_1#KAPITTEL_1 (Norwegian only).

Para 224-230

- White Paper, *Meld. St. 23 (2020–2021) Musea i samfunnet – Tillit, ting og tid,* available at https://www.regjeringen.no/contentassets/573ad8ffd103469087db8ee693de5060/nn-no/pdfs/stm202020210023000dddpdfs.pdf (Norwegian only).
- White Paper, *Meld. St. 22 (2022–2023) Kunstnarkår,* available at https://www.regjeringen.no/no/dokumenter/meld.-st.-22-20222023/id2983542/ (Norwegian only).
- See Strategy, *Rom for deltakelse – regjeringens kulturfrivillighetsstrategi (2023–2025),* Ministry of Culture and Equality, 2023, available at https://www.regjeringen.no/contentassets/a1e73651f91042d690d9d5afaae13cd9/no/pdfs/rom-for-deltakelse.pdf (Norwegian only).
- See Action Plan, *Handlingsplan for like muligheter til å delta i kultur-, idretts- og friluftslivsaktiviteter, 2024–2026,* Ministry of Culture and Equality, 2024, available at https://www.regjeringen.no/contentassets/8f16bda53f3844d09c5df254e3a9add8/no/pdfs/alle-inkludert.pdf (Norwegian only).
- In 2024, an additional NOK 258 million was allocated to organisations within sport, the music field, and youth clubs. These funds were directed to areas with a high proportion of low-income families, fostering more local activities in youth clubs. In 2024, grants for sports facilities and organisations contributing to

recreational activities totalled more than NOK 4.3 billion. In 2024, the Government also allocated an extra NOK 255 million to include all children in culture and sports.

- White Paper, *Meld. St. 18 (2020–2021) Oppleve, skape, dele – Kunst og kultur for, med og av barn og unge,* available at https://www.regjeringen.no/contentassets/57f98cf5845f4d3093b84a5f47cef629/nn-no/pdfs/stm202020210018000dddpdfs.pdf (Norwegian only).
- Strategy, *Sammen om lesing – Leselyststrategien 2024–2030*, Ministry of Culture and Equality and Ministry of Education and Research, 2024, available at https://www.regjeringen.no/contentassets/9c687990504d44c8a6aaf363a2bed626/no/pdfs/sammen-om-lesing.pdf (Norwegian only).

Para 231-234

- See White Paper, *Meld. St. 5 (2022–2023) Long-term plan for research and higher education (2023–2032),* available at https://www.regjeringen.no/contentassets/9531df97616e4d8eabd7a820ba5380a9/en-gb/pdfs/stm202220230005000engpdfs.pdf (English transl.).
- See Norwegian Official Report, *NOU 2022: 2 Academic freedom of expression – A good culture of free speech must be built from the bottom up, every single day,* available at https://www.regjeringen.no/contentassets/ec388f0a1dcc4a628fda2fe95e5ddba7/en-gb/pdfs/nou202220220002000engpdfs.pdf (English transl.).
- See Report, *Hvordan skal vi dele forskningsdata? Utredning og anbefalinger om lisensiering og tilgjengeliggjøring,* Research Council of Norway, 2021, available at https://www.forskningsradet.no/siteassets/publikasjoner/2021/hvordan-skal-vi-dele-forskningsdata.v2.pdf (Norwegian only).
- The "FAIR" principles are: Findable, Accessible, Interoperable og Re-usable research results.
- See Report, *Et helhetlig forskningssystem for åpen, skjermet og gradert forskning,* Research Council of Norway, Norwegian Defence Research Establishment and Norwegian National Security Authority, 2024, available at https://nsm.no/getfile.php/1313966-1717497860/NSM/Filer/Dokumenter/Rapporter/Helhetlig%20forskningssystem.pdf (Norwegian only).
- See Norwegian Official Report*, NOU 2024: 14 Med lov skal data deles – Ny lovgivning om viderebruk av offentlige data,* available at https://www.regjeringen.no/contentassets/ec9622e214a04054966aa72f34df7490/no/pdfs/nou202420240014000dddpdfs.pdf (Norwegian only).

Seventh periodic report submitted by States parties under articles 16 and 17 of the Covenant – Norway

Annex 2 Norway's reports to the International Labour Organization (ILO) 2011-2024 on:

Convention No 81 Concerning Labour Inspection 2011, 2014, 2017, 2020, 2021, 2024

Convention No 87 Concerning Freedom of Association and Protection of The Right to Organise 2014, 2017, 2021, 2024 + annex

Convention No 98 Concerning Right to Organise and Collective Bargaining 2014, 2017, 2021, 2024

Conventions Nos 12, 42, 102, 128, 130, 168, 183 and the European Code of Social Security 2024

NORWAY

R E P O R T

for the period ending 31 May 2011, in accordance with article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

CONVENTION NO 81 CONCERNING LABOUR INSPECTION, 1947

ratification of which was registered on 5 January 1949

I-V

Reference is made to previous reports. There have been no material changes with a bearing on the Convention since the last report.

Article 5
See the enclosed annual report.

Article 10
There are no substantial differences concerning the numbers of inspectors since the last report.

Article 21
See the enclosed annual report.

d) Total inspection visits in 2010: 14 834
e) -Share of visits which lead to one or more reactions: 61 %
- Halting of work (Section 18-8): 1 023
- Reports to the police (request for criminal investigation): 27
- Coercive fines (Section 18-7): 1 636

With regard to the remarks made by the Committee of experts, the Government of Norway has the following comments:

Articles 10, 20 and 21
Register of workplaces liable to labour inspection
The Norwegian Labour Inspection Authority has since mid 1990s registered data from our inspections in a register of workplaces. The register is linked to, and automatically updated based on the National Register of Business Enterprises. Specific data registered from the inspections are also transferred to a common database for other health-, environment- and safety inspections agencies. The registry will be upgraded in 2012 due to a new technical platform being introduced. The new version of the registry will be an even better working tool for the inspectors and also offer better statistic for the analyses of our effectiveness.

Article 14

The national registry for accidents and injuries includes a module for occupational injuries and accidents. As of today the occupational module, which includes injury as a result of income generating work is not implemented, but we expect that this module will be fully functional in the near future.
We have not been able to make more progress on the Health Net project over the past year because of technical difficulties. However, we continue to work further on this project and hope to establish in the near future a national electronic reporting system for work-related diseases. We continue to collaborate with both the Norwegian Medical Association and the Ministry of Health care to achieve this goal.

VI

This report has been forwarded to the members of the Norwegian Tripartite ILO Committee and we have received XX comments to the report.

Oslo,.....

NORWAY

REPORT

for the period ending 31 May 2014, in accordance with Article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

CONVENTION NO 81 – LABOUR INSPECTION CONVENTION, 1947

Ratification of which was registered on 14. April 1971

I-IV

Reference is made to previous reports. There have been no material changes with a bearing on the Convention since the last report in 2009.

The working environment regulations are currently not available in English. The Norwegian text is available here:

http://www.arbeidstilsynet.no/artikkel.html?tid=233238

The Labour Inspection Authority has developed The Working Environment Guide. It is an e-tool designed to provide a simple introduction to systematic work on working environment, whether you are an employer, a safety representative or an employee.

The Working Environment Guide provides:

1. Information on what it means to work systematically on working environment

2. Knowledge of central concepts regarding working environment measures

3. Insight into requirements regarding the workplace and performance of the work

4. Advice and guidance on how to work on working environment

The guide is available here: http://www.arbeidstilsynet.no/workingenvironmentguide/

The Labour Inspection Authority supervises compliance with the regulation and procedures, mainly by inspections.

We are not aware that there have been given decisions involving questions of principle relating to the application of the Convention by courts of law or other tribunals during the reporting period.

The Labour Inspection has expressed an explisit wish to strengthen the cooperation with the social partners . The Ministry of Labour Affairs has given the Labour Inspection the task to carry through four sectoral federation-programmes focusing on the particular working environmental challenges

and risk factors these branches are facing. The programmes are in cooperation with the employer and employment organisations in order to develop relevant measures for each branche.

The Labour Inspection Directorate is implementing a electronic management system to have a better overview of companies having been inspected and the possibility to see the effect of their measures.

V

In 2013 the Norwegian Labour Inspection Authority carried out nearly 16 000 audits, and managed to increase the number of audits from 2012. The level of reactions due to violation of the Working Environment Act revealed by audits in 2013 was 65 percent, all in all.

The working conditions are secure for most of the employees in Norway. However, there are some challenges related to an increasingly harder working life in some parts of certain sectors (branches)due to social dumping and work environment offenses, and the fact that too many businesses in those sectors do not have a sufficient focus on occupationial safety and health, so that diseases, damages and accidents can be prevented.

Systematic work with occupational safety and health is the foundation pillar for a good and safe work environment. That is also the main reason for the efforts of the Labour Inspection, and it is important that the Labour Inspection has an evident role as a preventive agency.

The Norwegian Labour Inspection Authority report for year 2013 will be attached to this report.

With the regard to the remarks made by the Committee of experts, Norway has the following comments:

<u>Article 5(b) of the Convention. Collaboration between the labour inspection and employers organizations.</u>

The Labour Inspection has for the period 2013-2016 indicated the following about the strategy on strengthening collaboration between the Labour Inspection and employers and workers organizations, (hereinafter the parties): “During the period the Labour Inspection will strengthen the cooperation between employment organizations and authorities, both central and regional, stimulating permanent changes in working conditions in the organizations. The Labour Inspection will work to ensure that the cooperation will develop in an operational direction with a clear division of responsibilities.”

The strategy on strengthening the collaboration with the social partners is prepared in close cooperation with The Labour Inspection Council. The parties and the Labour Inspection have been cooperating or cooperate today on many different arenas on a diversity of issues and themes. Many of the forums are based on ongoing cooperation. Some of the forums are managed by other agencies, but the Labour Inspection and the parties are also participating in these forums. The Labour Inspection Council is the most important cooperation forum between the parties, and are well functioning with important discussions and suggestions.

Regional councils are supposed to function as a regional cooperation and discussion forum between the the Social partners and the Labour Inspection. The regional councils shall cooperate with the Labour Inspection Council. However, the parties and the Labour Inspection have experienced challenges related to this cooperation. The regional councils have not enough resources to give this work priority, and it is difficult to agree on which matters to be discussed.

In these days the Labour Inspection is conducting a survey to the representatives in the regional councils to find out how to improve the cooperation.

The Director of the Labour Inspection has specified that the Labour Inspection is concerned about whether the regional cooperation experiences as useful for all the parties. The purpose for the regional cooperation is that they shall deal with regional challenges. Regardless which measures it initiates, the cooperation shall be improved and strengthened.

Article 12(a). Power to enter freely and without previous notice any workplace liable to inspection.

Whether the Labour Inspection shall notify the supervision in advance depends on the topic and the target group. In general it is important that both the employer and the safety delegate are represented and that they have allocated time and prepared documentation.

The principal rule is that the supervisions are notified in advance by the inspectors. The notify have to consist in the time of the supervision, the intention and the scope, information about who the inspectors want to meet and the name of the inspectors, and the documentation that has to be available or shall be submitted before the supervision.

Unannounced supervisions are primarily used towards institutions and businesses which are not operating according to law and regulations. That will be when it is not sure if the workers show up, or if they conceal documentation or produce incorrect information. Then it may be difficult to accomplish the supervision. Unannounced supervisions are often used at constructions places where a person who represent the employer usually will be present.

Institutions for the Health care are mainly notified in advance. The Labour Inspection has experienced that this is necessary in order to be adequate. To reveal significant deviations from the working time regulations, it is very important that the documentation is prepared and the employer is reprepresented.

The Labour Inspection has estimated that it will not be revealed more deviations by using unannounced notice in health care institutions .

Article 14. Cooperation in the notification of industrial accidents and cases of occupational disease.

Work-related diseases

In order to increase the reporting of work-related diseases in Norway, the Labour Inspectorate promoted in 2013, a proposal to NUIT/The Norwegian Directorate of Health, for the development of an electronic system for the reporting of work-related diseases. This proposal did not receive priority. However, the secretary office of NUIT proposed that the Labour Inspectorate developed a pilot trial for such an electronic system and thereafter promoted the proposal again. The Labour Inspectorate

has since then commenced work with the development of a pilot trial for electronic reporting of work-related diseases.

Also in order to increase the reporting of work-related diseases, the Labour Inspectorate distributed in 2014 in collaboration with the Norwegian Medical association, information to Norwegian physicians about the importance of reporting work-related diseases and about the legislation that requires the physicians to report.

Occupational accidents

According to occupational accidents the Labour inspection authority has put down the registry for occupational accidents, due to severe problems concerning quality and security. Statistics Norway is responsible for the new registry and we will be able to report data from the system in 2015. The data will comply with requirements for official statistics, meet needs for information and fulfill international regulations passed by the EU (Eurostat). In short the effort aims to establish a methodological sound data collection and a register which in turn could be used to identify all cases of accidents at work that are reported to the Norwegian Labour and Welfare Service (NAV) in all areas of the Norwegian working life. At the same time information concerning fatal accidents at work is collected from supervisory authorities. In sum official statistics and international reports based on the register aim to cover both serious and fatal accidents according to the international methodology decided on by Eurostat.

This report has been forwarded to the members of the Norwegian Tripartite ILO Committee and we have received the following comment to the report from the Norwegian Confederation of Trade Unions(LO):

"*Article 14 Cooperation in the notification of industrial accidents and cases of occupational disease.*

It has recently been announced by the Labour Inspectorate that only two percent of the physicians report work-related accidents. There has been little improvement since the 2011 report. The Norwegian Confederation of Trade Unions (LO) however takes notes of the fact that there has been cooperation between the Labour Inspectorate and the Norwegian medical Association in 2014.

In the government's report for 2014, there is no comment on the status of reports from the employers on work-related accidents and diseases. To the LO, it is not clear whether the proposed electronic system is to be used both by the physicians and the employers and when a new electronic system might be implemented."

We have also received comments from the Confederation of Norwegian Enterprise (NHO),Norwegian Association of Local and Regional Authorities (KS) and the Enterprise Federation of Norway (Virke). Their comments have been incorporated.

NORWAY

REPORT

for the period ending 31 May 2017, in accordance with Article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

CONVENTION NO 81 – LABOUR INSPECTION CONVENTION, 1947

Ratification of which was registered on 14. April 1971

I

The Working Environment Act Section 18-10 gives The Labour Inspection Authority the right to impose an administrative fine on undertakings. The Section came into force 1 January 2014.

The Working Environment Act is available in English here:

http://www.arbeidstilsynet.no/lov.html?tid=78120

Incidentally reference is made to previous reports.

II - IV

Reference is made to previous reports.

V

Direct request

The Committee asks that the Government describe the current mechanism in practice for the notification of industrial accidents and cases of occupational disease to the labour inspectorate (including through other institutions such as Statistics Norway).

The Labour Inspection Authority has developed an electronic system for registration of notifications on occupational accidents and work related diseases, that facilitates and eases both proceedings and production of statistics. The Labour Inspection Authority also participates in a pilot project on joint reporting of work related diseases and occupational deaths, together with e.g. Norwegian Labour and Welfare Organisation (NAV) and Petroleum Safety Authority.

This report has been forwarded to members of the Norwegian Tripartite ILO Committee and we have received comments from the Norwegian Confederation of Trade Unions(LO):

Article 14

LO is aware that the authorities are in the process of developing a register for recording injuries and diseases to be supervised by Statistics Norway and the Norwegian Labour and Welfare Organisation (NAV). However, the work has taken very long time. LO would therefor like to stress the importance of having a well functioning system for collection and recording occupational injuries and diseases.

Oslo 1. September 2017

NORWAY

REPORT

for the period ending 31 May 2020, in accordance with Article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

CONVENTION NO 81 – LABOUR INSPECTION CONVENTION, 1947
Ratification of which was registered on 14. April 1971

I

Reference is made to previous reports.

II - IV

Reference is made to previous reports.

V

This report has been forwarded to the social partners represented in the Norwegian tripartite ILO Committtee. We have not received any comments to the report.

Direct request
The Committee requests the Government to provide further information on the functioning of the electronic system for the registration of notifications of occupational accidents and work-related diseases, including the manner in which the system helps to ensure that industrial accidents and cases of occupational disease in the country are notified to the labour inspectorate.

- Labour Inspection has two specific reporting requirements.
    - One concerns employers reporting of serious injuries including fatalities caused by accidents.
    - The other is work-related diseases reported by the doctor.

Both of these are legal requirements mandated by law.

We do have electronic registration systems for injuries and diseases reported to the Labour Inspectorate. These registration systems provide quality data and run efficiently for the purposes of prevention and the data are also utilized in development of our risk-based approaches to inspection. However, data are still skewed because of underreporting of both work-related diseases and injuries.

Recalling that it previously noted the Government's indication with respect to the under-reporting of cases of occupational disease to the labour inspectorate, the Committee also requests the Government to continue to provide information on the activities undertaken by the labour inspectorate to ensure that legal reporting obligations concerning occupational accidents and

diseases are complied with, including further information on the current development of the pilot project on joint reporting in conjunction with the NAV and the PSA.

- Underreporting remains a concern, and labour inspection is using all possible measures to reduce the extent of underreporting. We are making conscious efforts to make the reporting simpler by means of a digital reporting interface, we are working on simplifying the guidelines on when to report such injuries / diseases, and we will be enforcing the law where necessary with regards to underreporting by non-compliant enterprises.

Challenges remain with regards to the implementation of electronic reporting of work-related diseases as parts of such a system are administered by the health ministry and parts external to labour ministry including some private businesses who develop software programs (patient journals) for doctors. The joint project with PSA and NAV on electronic reporting of work-related disease has unfortunately not progressed as planned. We continue working conscientiously on electronic reporting of employers report of serious injuries and doctors report of work-related diseases to the labour inspectorate at this time. However, we have now completed a concept phase of a project along with PSA and NAV concerning digital reporting of employers occupational injuries to NAV (social security). We are hoping to improve data quality and quantity (underreporting) using the digital interface and simplifying the process of employers reporting of injuries to NAV utilizing the "once only principle". The idea being that the employer no longer will need to send the same accident information to different agencies rather a digital interface will facilitate reporting to all relevant agencies at the same time.

Oslo, 1 September 2021

NORWAY

REPORT

for the period ending 31 May 2021, in accordance with article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

CONVENTION NO 81 – LABOUR INSPECTION CONVENTION, 1947

Ratification of which was registered on 14. April 1971

I

Reference is made to previous reports.

II-IV

Reference is made to previous reports.

VI.

This report has been forwarded to the social partners represented in the Norwegian tripartite ILO Committtee. We have not received any comments to the report.

Direct request

Reference is made to report for convention No. 129 concerning Labour Inspection (agriculture).

Oslo, 1 September 2021

NORWAY

REPORT

for the period ending 31 May 2024, in accordance with Article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

CONVENTION NO 81 CONCERNING LABOUR INSPECTION CONVENTION, 1947
ratification of which was registered on 14 April 1971

I

Reference is made to previous reports.

II - IV

Reference is made to previous reports.

Direct request

Article 14 of Convention No. 81, and Article 19 of Convention No. 129. Notification of occupational accidents and diseases to the labour inspection services. (…) **The Committee requests the Government to continue to provide information on the measures taken to address the underreporting of cases of occupational accidents and diseases, especially in sectors occupying self-employed workers. It also requests the Government to provide information on any progress achieved with respect to the pilot project on joint reporting in conjunction with the NAV and the Petroleum Safety Authority (PSA).**

Answer: Challenges with underreporting remains a general concern, and labour inspection is using all possible measures to reduce the extent of underreporting of work-related diseases and injuries. We are however making conscious efforts to make the reporting systems better and simpler by means of digital reporting and joint measures in conjunction with other relevant public authorities, and we will also be enforcing the law where necessary with regards to underreporting by non-compliant enterprises.

Since our last report, we have done several efforts to address the underreporting of cases of occupational accidents and diseases. In 2022 we did organize an inter-agency seminar in collaboration with EU-OSHA, where the theme was how to create an effective, electronic solution for reporting of work-related diseases by physicians. Several relevant public authorities and specialist communities, as well as the parties in working life, has participated and been involved in this. This i.a. involves improving and simplifying communication between physicians and NAV by developing good electronic solutions. Unfortunately, not all joint projects have progressed as planned, including the e-reporting option launched at NAV. However, at the same time, NAV has created a new system for submitting occupational injury / occupational disease using Altinn. Altinn is an internet portal for digital dialogue between businesses, private individuals and public agencies in Norway, and also a technical platform that government bodies can use to develop digital services.

When it comes to statistics concerning work-related fatalities (except within the petroleum, aviation, fishery and marine industries) the Labour Inspection Authority is formally responsible. All fatalities are reported to Statistics Norway (SSB), which has the overall responsibility of reporting systems for accidents and injuries. According to this system we have reasonable control over fatalities due to work accidents, and it is difficult to determine if e-reporting option launched at NAV will make a difference in terms of underreporting rate. However, this national registry system includes statistics on accidents at work that have been reported by the employers to NAV with an application for occupational injury insurance. Because self-employed workers are not covered by the social security system, they do not send injury reports unless they have taken out voluntary occupational injury insurance, and so they normally are not included in the statistics. According to this, the underreporting is relatively high in sectors as agriculture, where many workers are self-employed. For information on statistics on accidents at work in Norwegian working life in general and for agriculture specific, we refer to our response to direct request to Article 20 and 21 of Convention No. 81 and Article, and Articles 26 and 27 of Convention No. 129. Annual reports on labour inspection, particularly concerning coverage of the agricultural sector.

V

This report has been communicated to the members of the Norwegian Tripartite ILO Committee, including the most representative organisation of employers, The Confederation of Norwegian Enterprise (NHO), and workers, The Norwegian Confederation of Trade Unions (LO).

We have received the following comment to the report from The Confederation of Unions for Professionals (Unio) on behalf of The Norwegian Nurses Organisation (NNO):

“NNO would like to point out that there is a significant discrepancy between work-related injuries and diseases, and what is classified as occupational injuries and diseases in Norwegian legislation. For example, most of lifting, twisting and violence-related injuries among healthcare personnel are not approved as occupational injuries in Norway.

Our members work in a field where many experience heavy physical (and psychological) workloads, with great risk of health consequences such as repetitive strain injuries leading to work incapacity. Such injuries do not qualify as an occupational injury in Norway, in contrary to countries as Denmark.”

NORWAY

R E P O R T

for the period ending 31 May 2014, in accordance with article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of

CONVENTION NO 87 CONCERNING FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE, 1948

ratification of which was registered on 4 July 1949.

I

Reference is made to previous reports.

II

Reference is made to previous reports.

A revised Labour Disputes Act (Act of 27 January 2012 No. 9) came into force on 1 March 2012, replacing the old labour disputes act of 1927. This was, however, merely a technical and linguistic revision of the act. The intention has been to make the act more up to date in the sense of making it easier to understand and to find your way in. The revision thus entails no changes in material law.

III

Reference is made to previous reports.

IV

No decisions have been given by courts of law or other tribunals involving questions of principle relating to the application of the Convention.

V

Reference is made to previous reports.

VI

This report has been forwarded to the members of the Norwegian Tripartite ILO Committee.We haven’t received any comments to the report.

NORWAY

R E P O R T

for the period ending 31 May 2017, in accordance with article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of

CONVENTION NO 87 CONCERNING FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE, 1948

ratification of which was registered on 4 July 1949.

I - III

Reference is made to previous reports.

IV

No decisions have been given by courts of law or other tribunals involving questions of principle relating to the application of the Convention.

V

Reference is made to previous reports.

VI

This report has been forwarded to the members of the Norwegian Tripartite ILO Committee and we have received comments from the Norwegian Confederation ofTrade Unions (LO):

On 16.12.16, the Supreme Court ruled in the case between the Norwegian Transport Workers' Union (NTF) and Holship Norge AS (Holship). LO declared third party intervention for the benefit of NTF NTF while NHO (the Confederation of Norwegian Enterprise) and Bedriftsforbundet (Federation of enterprises) declared third party intervention ofor the benefit of Holship.

The case concerned the question of whether NTF legally could give notice of boycott of Holship. The purpose of the notified boycott was to support NTF's claim of a collective agreement (the Framework Agreement) which gave priority of engagement to load and unload for registered dockworkers in Drammen port. The priority of engagement clause in the Framework Agreement has been considered part of the fulfilment of Norway's obligations under ILO Convention No. 137. In previous reports, LO has pointed out that the Framework Agreement, as interpreted by the Norwegian Labor Court, has an exception for private ports which is incompatible with the ILO 137.

The Supreme Court heard the case in plenary assembly. A majority of 10 judges voted in favour of Holship's claim, against a minority of 7 judges in favour of NTF's claim. The majority found that the substance of the collective agreement and the notified boycott violated the right of establishment under Article 31 of the EEA-agreement. The Court found that a restriction of the collective agreement (Framework Agreement) was not in violation of the freedom of association, including the right to collective bargaining and the right to strike, as set forth in Section 101 of the Norwegian Constitution, in conjunction with Article 11 of the European Convention of Human Rights, nor with other human rights conventions such as ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize, ILO Convention No. 98 on the Right to Organisz and Collective Bargaining, and the revised European Social Pact article 6, paragraphs 2 and 4.

According to LO and NTF, the Supreme Court's verdict is contrary to the above-mentioned conventions. LO and NTF therefore submitted a complaint on 15.06.17 to the European Court of Human Rights in Strasbourg. In anticipation of a decision, LO and NTF have not yet filed a complaint with the ILO or brought the matter to the enforcement agencies under the Social Pact, cf. the rejection clause in Article 35, paragraph (d) of the Convention on Human Rights.

Oslo 1.September 2017

NORWAY

R E P O R T

for the period ending 31 May 2021, in accordance with article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of

CONVENTION NO 87 CONCERNING FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE, 1948

ratification of which was registered on 4 July 1949.

I - III

Reference is made to previous reports.

IV

With reference to the comments from the Norwegian Confederation of Trade Unions (LO) to the report submitted in 2017, please find enclosed the judgment from the European Court of Human Rights of June 10th 2021. The Court held, unanimously, that there had been no violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights. The judgement from the Supreme Court of Norway referred to in LOs comments, was forwarded to ILO in relation to Convention no.137 on September 8. 2017.

No other decisions have been given by courts of law or other tribunals involving questions of principle relating to the application of the Convention.

V

Reference is made to previous reports.

VI

This report has been forwarded to the social partners represented in the Norwegian tripartite ILO Committtee. We have not received any comments to the report.

Oslo, 1 September 2021

NORWAY

REPORT

for the period ending 31 May 2024, in accordance with article 22 of the Constitution of the International Labour Organization, from the Government of Norway, on the

CONVENTION NO 87 CONCERNING FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948
ratification of which was registered on 4 July 1949.

I-II

Reference is made to previous reports.

The definition of “employee” in the Act relating to the working environment, working hours and employment protection, etc. (Working Environment Act, Act of 17 June 2005 No. 62). The change came into force 1 January 2024, and the intention has been to protect employees from being taken advantage of. The definition in section 1a of the Labour Disputes Act (Act of 27 January 2019 No. 9), has been changed in accordance with the new phrasing, so that the definition of “employee” is the same across all national legislation.

III

We are not aware of any given decisions concerning questions of principle relating to the application of the Convention by courts of law or other tribunals in the reporting period.

IV

Reference is made to previous reports.

V

The Ministry of Labour and Social Inclusion decided in the spring of 2023 to resume dialogue on the use of compulsory wage arbitration by setting up a cross-party working group consisting of the social partners. The working group did among other topics, assess agreements and practices related to how the social partners organise and conduct labour disputes, including their use of instruments in that regard. The working group finished their report in early May 2024, which has been attached to this report.

VI

This report has been communicated to the members of the Norwegian Tripartite ILO Committee, including the most representative organisation of employers, The Confederation of Norwegian Enterprise (NHO), and workers, The Norwegian Confederation of Trade Unions (LO).

We have received the following comment to this report and the report on C98 from and The Confederation of Unions for Professionals (Unio) on behalf of The Norwegian Nurses Organisation (NNO):

“The Norwegian Nurses Organisation (NNO) would like to point out that Norway’s system concerning the right to strike and impartiality of the compulsory arbitration court, contains rules and regulations that imposes potential threats to the compliance of the conventions.

The right to strike

The right to strike is not explicitly included in the ILO Conventions referred to. However, the ILO has through its case-law considered the right to strike to be protected by the Conventions concerning the right to organise and the freedom of association.

NNO calls for a new system where the government, when assessing the need to end a strike due to national health or security issues, seeks contradiction from the labour organisations involved before making the decision. This is important to avoid undue involvement from national authorities in labour conflicts and by this ensuring the right to strike in accordance of the ILO conventions 87 and 98.

Impartiality of the compulsory arbitration court

The National Wages Board has by law a compound that consists of both neutral members and members from one selected employer’s organisation and one worker’s main organisation. The selected employer’s and worker’s organisations consists of one representative the Confederation of Norwegian Enterprise (NHO) and one from the Norwegian Confederation of Trade Unions (LO). Whilst the rules of appointment of judges ensures impartiality, the same is not the case for the appointees from the employer’s and worker’s organisations. In labour disputes concerning both their own organisation, as well as a competing organisation, a conflict of interests can easily occur. This poses an obvious threat to impartiality and the legitimacy of the system. NNO therefore calls for a system where this can be avoided and asks that measures be taken by the government to initiate appropriate changes.”

Labour disputes and compulsory arbitration

Report by the working group set up by the Norwegian Ministry of Labour and Social Inclusion

1 Introduction

1.1 The background for setting up the working group

In essence, the social partners in the Norwegian labour market are responsible for collective bargaining. The society must endure the consequences of legal industrial action. The social partners have a responsibility to ensure that any strike or lockout is conducted in a responsible manner.

Norway has a long tradition of using industrial action to resolve disagreements between employees and employers in respect of wages and working conditions. The contemporary concept of strikes dates back to the 19th century. Strikes have proven to be employees' most important means of pushing their demands through and are a key instrument in levelling the balance of power between employer and employee. For employers, lockouts have been their most central instrument of industrial action.

A fundamental element of the Norwegian model is that it is the social partners who are responsible for wage setting through the conclusion and revision of collective agreements. If no agreement is reached for the setting of wages, it is the parties themselves that decide whether industrial action is to be used and how it is to be organised.

In some cases, industrial action can have such serious consequences for society that the authorities consider it necessary to intervene and stop the dispute. Compulsory arbitration is the state's instrument for stopping a legal strike when the consequences of a labour dispute become too serious. In such cases, further industrial action is prohibited by law or provisional arrangement, and the dispute is brought before the National Wage Board for a decision by way of compulsory arbitration. The compulsory arbitration mechanism not only helps to protect society from the most serious consequences of industrial action, but also plays a role in income policy by facilitating co-ordinated wage setting. In some cases, it has also been demonstrated that social partners have "steered" efforts towards intervention in order to get out of a deadlocked dispute by deliberately taking members out on a strike or lockout which will pose a danger to life and health or other serious societal consequences.

In recent years, there has been increased awareness of and criticism linked to the authorities' use of compulsory arbitration, mainly on the part of employees' labour market stakeholders. In addition, certain parties in the Storting have raised criticism in respect of the processes around certain interventions.[1] This criticism has related to, but is not limited to, how the social

[1] See, among other things, Representative Proposal 144 S (2021-2022) on securing a real right to strike and Motion 261 S (2018-2019) from the standing committee on justice on the representative proposal to incorporate the ILO's core conventions into the human rights act,

partners have conducted the dispute, including their use of resources, the factual basis, and the professional assessments that form the basis of the authorities' intervention. The frequency of compulsory arbitration cases within certain collective bargaining sectors is considered by some groups to be an unreasonable restriction of their opportunities to strike.

Furthermore, several interventions have been brought before the ILO complaints body, the Committee on Freedom of Association (CFA). In this context, the ILO has asked the Norwegian authorities to engage in dialogue with the social partners in order to establish minimum services.

The Norwegian practice of compulsory arbitration was among the topics reviewed and discussed in NOU 2001: 14 *Vårens vakreste eventyr …?* (The Stabel committee). Although the committee did not propose changes to the current system, it opened the door for further investigation of certain measures that could reduce the need for compulsory arbitration, should the circumstances so warrant. In 2019, the Ministry of Labour and Social Affairs also arranged a meeting with the social partners to discuss issues related to the use of compulsory arbitration.

To ensure the legitimacy of the compulsory arbitration system, it is important to be transparent about and have a common understanding of how the processes work and are implemented. In light of this, in the spring of 2023 the Ministry of Labour and Social Inclusion decided to resume dialogue on the use of compulsory arbitration by setting up a cross-party working group.

1.2 Composition of the working group

The working group was established on 28 March 2023 and is composed as follows:

- Economist and researcher, Ådne Cappelen (chair)
- Head of the negotiation and HSE department at the Norwegian Confederation of Trade Unions (LO), Tone Faugli

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Motion 274 L (2020-2021) from the standing committee on labour and social affairs on the Act on the wage arbitration process for the labour disputes between Parat/YS and NHO and the Norwegian Union of Municipal and General Employees (NUMGE)/LO and NHO in connection with the main collective agreement for 2020, and Motion 666 L (2020-2021) from the standing committee on labour and social affairs on the Act on the wage arbitration process for the labour dispute between Unio and the municipality of Oslo in connection with the interim agreement for 2021.

- Head of negotiations at NHO, Jon F. Claudi
- Lawyer and area manager for labour market affairs at the Confederation of Unions for Professionals (Unio), Henrik Dahle
- Area manager for negotiations at the Norwegian Association of Local and Regional Authorities (KS), Hege Øhrn
- Head of labour market affairs at Akademikerne (Federation of Norwegian Professional Associations), Nina Sverdrup Svendsen
- Area manager for member advice and negotiations at Spekter, Marte Båtstrand.
- Secretary General of the Confederation of Vocational Unions (YS), Håvard Lismoen
- Head of negotiations in the collective bargaining department at the Federation of Norwegian Enterprise (Virke), Daniel Fundingsrud.

Head of department from the Ministry of Labour and Social Inclusion, Torkel Sandegren, participated in the working group's discussions.

The secretarial function has been provided by the Ministry of Labour and Social Inclusion, with the following people in the secretariat:

- Senior adviser Siri Lorentzen
- Specialist Director Ingrid Finsland
- Senior adviser Bodil Stueflaten
- Advisor Siyaamala Loganathan
- Special adviser Øyvind Sollie (from the Ministry of Health and Care Services)
- Adviser Aira Din (from the Ministry of Health and Care Services).

1.3 Mandate of the working group

The working group was given the following mandate:

"A fundamental feature of income policy co-operation in Norway is that responsibility for wage setting rests with the social partners. The authorities make the mediation institute available if the social partners themselves are unable to reach an agreement through negotiations. Industrial action in the form of strikes and lockouts are legal instruments that the parties are free to use if negotiations and mediation do not result in progress. The social partners are responsible for the implementation of labour disputes. The authorities can only intervene if the disputes pose a danger to life and health or have other serious societal consequences. The threshold for intervention is and must be high and lie within the framework of the Norwegian Constitution and international conventions to which Norway is bound.

In recent years, there has been increasing awareness of and criticism regarding the use of compulsory arbitration. This criticism has related both to how the social partners organise and

conduct disputes, including their use of instruments, as well as to the factual basis and the professional assessments that form the basis of the authorities' intervention.

To ensure the legitimacy of the system, it is important to be transparent about and have a common understanding of how the process works and is implemented. Dialogue between the social partners will aid this. Furthermore, such dialogue will be able to reveal the weak and strong points of the current system, which will in turn provide a good basis for discussing the need for changes. Compulsory arbitration is an undesirable outcome of industrial action, and one aim of the working group is to propose measures that can reduce the need for intervention.

More about the group's work:

The working group shall assess agreements and practices related to how the social partners organise and conduct labour disputes, including their use of instruments in that regard. For example, it can be assessed whether advance agreements should be entered into to a greater extent than they are currently, or whether other joint assessments should be made of which "duties", roles, or persons are essential for preventing danger to life and health, etc. from arising. It may also be relevant to review current guidelines and practices related to exemption applications and their granting.

Another topic for discussion could be how the process of gathering information about the consequences of the industrial action can be made more transparent, and whether it is possible to involve the social partners to a greater extent in the collection of information. Yet another topic may be whether the parties should be notified if the professional assessments indicate that life or health are at risk, or if there is a threat of other serious societal consequences.

The working group can discuss the specific challenges that arise in connection with parallel strikes, including the extent to which it is practically possible for the authorities to distinguish the impacts of the different strikes. The working group can also discuss the extent to which it is legally and practically possible for the authorities to limit intervention to only part of a dispute.

A further topic could be whether post-intervention evaluation may be appropriate, for example by inviting the parties to discuss the process leading up to the intervention after it has been carried out.

The working group is free to discuss other issues and factors that affect the process leading up to compulsory arbitration, including measures that can help prevent danger to life and health or serious societal consequences from the use of industrial action measures. However, it falls outside the working group's mandate on a general basis to discuss wage negotiations, the mediation institute, and the National Wage Board. The work shall also be limited in respect

of the mandate of the committee set up by the government to look more closely at the interaction between the state budget, interest rate setting, and wage setting.

The working group shall provide a written account of its work and the topics and measures that have been discussed and assessed. The work is expected to be completed by 1 March 2024."

The Confederation of Vocational Unions (YS), Akademikerne (Federation of Norwegian Professional Associations), and the Confederation of Unions for Professionals (Unio) have expressed that they wanted the working group's mandate to be broader. In their view, there is a need for a broader analysis of how the current system works, including a closer assessment of the National Wage Board's composition and practices. Compulsory arbitration does not arise in a vacuum and is often triggered by events that happen earlier in the negotiation process. YS, Akademikerne, and Unio have proposed a different composition of the National Wage Board. They believe that the main organisations not having equal representation on the board is a weakness of the institutional framework of the Norwegian model.

Although the system generally works well, there is always room for improvement. The working group believes that considerations should be made as to whether a research project should be initiated as a continuation of the Fafo report 2023: 32. The project should obtain more knowledge about schemes, including dispute resolution mechanisms, in other countries, for example. The detailed content of this project should be determined together with the social partners.

1.4 Work of the working group

The working group had its start-up meeting on 28 March 2023. In the period up to 12 April 2024 it has held ten meetings, one of which was an all-day meeting. The working group has received lectures from Kristin Alsos (Fafo), Åsmund Arup Seip (Fafo), and Eli Mette Jarbo (former head of the secretariat for the Stabel committee). In addition, the secretariat has had meetings with the National Mediator of Norway and Professor Johann Mulder (UiO). Åsmund Arup Seip (Fafo) has contributed text under points 3.1 and 3.2. An overview of the practices and rules for the use of exemption applications and advance agreements in the state collective bargaining sector has been obtained from the Ministry of Digitalisation and Public Governance (formerly the Ministry of Local Government and Regional Development).

1.5 Summary of the assessments and views of the working group

1.5.1 The committee's overall considerations

A fundamental principle in our system is that the social partners are responsible for collective agreements and upholding industrial peace. This includes a responsibility to conduct industrial action in a responsible manner. There is nevertheless broad agreement that the government has a responsibility to intervene if the industrial action poses a risk to life, health, or safety, or leads to other serious societal consequences.

Compulsory arbitration to resolve labour disputes has a long history in Norway. A key element of the process has been and continues to be that the professional assessments that form the basis of any intervention inspire confidence and have legitimacy among the social partners and the general population.

The working group has confidence in the authorities' professional assessments of whether a danger to life and health, or risk of serious societal consequences render intervention necessary, and agrees that this type of professional assessment is the authorities' responsibility.

The working group emphasises that the current system has long traditions and reflects a balance between the social partners.

The working group agrees that the right to industrial action in Norway is real, in both the public and private sectors. Within certain areas where the risk of danger to life and health means that the scope of a strike must be limited, and where duties vary to an extent that makes it difficult to assess the consequences of a strike without having direct contact with the individual workplace in advance, the employee side still finds it difficult to conduct a strike.

Although the system has challenges and room for improvement, the working group believes that considerable caution must be exercised in making major changes that could shift the balance of power between otherwise equal parties. The working group points out that the Norwegian system consists of various interconnected and interrelated rules. Even small changes or the introduction of new individual elements could therefore have an impact on the entire system, including affecting the balance of power between the social partners and contributing to more labour disputes.

These considerations have guided the working group's assessments and recommendations.

1.5.2 Working during a dispute

The working group has investigated and discussed various measures that can help to prevent the industrial action from having consequences that necessitate intervention in the form of compulsory arbitration.

The working group finds it challenging to devise measures that safeguard the autonomy of the social partners without risking creating an imbalance in the power relationship between the collective bargaining parties.

The members of the working group believe that the current system generally works well. On an overall level, the employer side wants to use pre-agreements over exemption applications because this creates greater predictability for the businesses. Certain employee organisations are correspondingly negative about the extensive use of pre-agreements to establish minimum services. This is in part justified by the fact that, in some cases, employers define minimum services at such a high level that, in reality, it weakens strikes as an effective means of industrial action, and in part by the fact that it can potentially lead to a shift in power in favour of the employer if the trade unions are to be prevented from allowing certain employees to go on strike. A united employee side agrees that the exemption scheme is a necessary instrument that forms part of the Norwegian system of the right to strike. This ensures that the employee side is able to make exceptions where unintended consequences could pose a danger to life and health, while ensuring that the employer side can meet prudence requirements.

The members of the working group undertake to engage in dialogue on the use of the available instruments, in particular pre-agreements and exemptions. In addition, it is not recommended to proceed with any of the other measures that have been discussed, see point 4.3.2.

1.5.3 Other forms of industrial action

The working group has assessed whether other forms of industrial action should be facilitated than what is possible in accordance with applicable legislation. In particular, the working group has considered whether a partial work stoppage should be allowed similar to the Swedish model, either in general or in certain sectors.

The working group does not recommend proceeding with proposed changes relating to which means of industrial action can be used.

In its assessment, the working group has emphasised that any changes to the instruments for industrial action that are available would require a thorough investigation of the system as a whole.

1.5.4 Parallel strikes and partial interventions

The working group agrees that parallel labour disputes must be dealt with and assessed separately, and that it is unfortunate for one strike to be called off on the basis of the consequences of another. This applies in particular if one of the parties wishes to "manage" a dispute towards compulsory arbitration.

Where the consequences of different disputes can be clearly distinguished, intervention should only take place for the dispute(s) that pose a danger to life and health or that have other serious societal consequences. However, the working group acknowledges that many parallel disputes affect the same businesses and the same functions, and that it will therefore often be difficult to link the consequences to just one social partner. In such cases, the working group believes that clarification should be sought by way of dialogue between the parties and the authority. The working group agrees that it is necessary to conduct an overall assessment of the consequences of the disputes and, in some cases, to intervene in all the disputes.

The working group believes that it should not be possible for the authorities to stop parts of a strike. In the same way as the Stabel committee, the working group justifies this by saying that such measures could lead to an unwanted splintering of the collective bargaining system. Furthermore, the group points out that questions can be raised in respect of the opportunities for achieving something by way of a continued strike if several confederations/associations within the same main association have already been removed from the dispute.

1.5.5 Authorities' gathering of facts and assessments relating to the consequences of the strike

Upon the initiative of the Ministry, the working group has discussed possible measures that could give the social partners greater insight into the facts and any assessments that form the basis of intervention in the event of compulsory arbitration.

The working group believes that, in some areas, the establishment of arrangements that ensure that local employee representatives are given access to the information that the business intends to report to the authorities could be a suitable measure to ensure that the authorities' assessments are based on a correct and complete set of facts. The extent to which it is possible to establish such arrangements, and how these should then be designed, will have to be concretely assessed by the collective bargaining parties.

The members of the working group are divided in their views as to whether the social partners should be given access to the ministerial assessments of the consequences of the strike during the course of the strike. A majority of the members of the working group do not want the authorities' assessments to be made public while the strike is ongoing. In light of the fact that current regulations do not allow the public to be denied access to the assessments if they are made known to the parties of the dispute, these members do not recommend such a measure.

The working group's members from *Unio*, *Akademikerne*, and *YS* believe that increased transparency around the authorities' assessments during the dispute has intrinsic value and the ability to foster trust in and the legitimacy of the system in the long term, and could contribute to corrections of actual errors along the way. Against this background, they believe that provision should be made for the parties to have ongoing access to the authorities' assessments during the industrial action.

2 Applicable legislation

2.1 Introduction

Freedom of association is a fundamental right enshrined in Section 101 of the Norwegian Constitution and a number of international conventions of which Norway is bound. Freedom of association gives labour market organisations the opportunity to effectively safeguard the interests of their members. This presupposes a right to conduct collective negotiations and to use industrial action to add weight to their demands.

This approach forms the basis of Norwegian labour dispute legislation. Both the Norwegian Labour Disputes Act[2] and the Norwegian Civil Servants Employment Disputes Act[3] are based on the principles of free negotiations and access to industrial action in disputes of interest.

A decision to intervene in ongoing industrial action by way of compulsory arbitration is based on a balancing of freedom of association against other important societal considerations.[4] Compulsory arbitration entails a ban on further industrial action and leaves it to the National Wage Board to resolve the dispute of interest. Such a ban restricts the

[2] Act of 27 January 2012 no. 9 on labour disputes (Labour Disputes Act).

[3] Act of 18 July 1958 no. 2 on civil servants employment disputes (Civil Servants Employment Disputes Act).

[4] Alsos et al. (2023), page 50.

right to strike and the right to organise on which it is based, and must therefore be within the limits prescribed by legislation and the ratified conventions.

2.2 The Labour Disputes Act and the Civil Servants Employment Disputes Act

2.2.1 General

The Labour Disputes Act and the Civil Servants Employment Disputes Act prescribe rules on collective agreements and their legal effects, and contain the central rules for initiating industrial action. The acts draw a fundamental distinction between legal disputes and disputes of interest, and set out various procedural and institutional rules for handling such disputes.

Legal disputes[5] – i.e. disputes about a collective agreement's validity, understanding, or existence, or claims based on a collective agreement – are subject to an absolute duty of peace.[6] Such disputes cannot be resolved through industrial action, but must be resolved by way of negotiations or legal action before the Labour Court of Norway.

In disputes of interest[7] – i.e. disputes about the arrangement of future pay and working conditions – industrial action can be used, provided that the rules of procedure and deadlines in the legislation and the collective agreement are complied with.[8] In short, this means that the previous collective agreement must have expired, a notice of termination must have been given, and mediation must have been concluded, see point 2.2.2.

Industrial action is used in the legislation as a catch-all term for the various forms of action covered by the duty of peace. Only the most common forms of industrial action, namely strikes and lockouts, are defined in the acts. A strike is defined in the Labour Disputes Act § 1, letter f as "a complete or partial stoppage in work that employees undertake jointly or in understanding with each other in order to bring about a solution to a dispute between a trade union and an employer or employers' association. If attempts are made to block the company in question from accessing labour, this is also considered as a strike." A similar definition can be found in the Civil Servants Employment Disputes Act § 21, first paragraph. Lockout means "a complete or partial stoppage of work that an employer initiates in order to

[5] Cf. Labour Disputes Act § 1(1) letter i.

[6] Cf. Labour Disputes Act § 8 (1) and Civil Servants Employment Disputes Act § 20 (1).

[7] Cf. Labour Disputes Act § 1(1) letter j.

[8] Cf. Labour Disputes Act § 8 (2) and Civil Servants Employment Disputes Act § 20 (2).

bring about a solution to a dispute between an employer or employers' association and a trade union, regardless of whether other employees are brought in instead of those locked out. If attempts are made to prevent the locked-out employees from getting other work, this is also considered as a lockout", cf. the Labour Disputes Act § 1, letter g and the Civil Servants Employment Disputes Act § 21, second paragraph.

Other industrial action is an ancillary category that is not further defined in law. Such actions can take various forms, such as "go-slow actions" and refusal of overtime. Because legal industrial action is triggered when notice of termination is given, under current law there is little scope for this type of action. The primary NHO-LO agreement nevertheless permits, on limited terms, a conditional sympathy strike, which entails a refusal to perform certain duties.[9]

Boycotts are also a tool that can be used as industrial action. In the Norwegian Boycott Act[10] § 1, a boycott is defined as "an invitation, agreement, or similar measure which, in order to coerce, harm, or punish someone, aims to prevent or hamper a person's or business's economic interaction with others." Boycotts are primarily a means of industrial action for the employee side to achieve a collective agreement. The Boycott Act regulates the right to boycott in general, not just in an employment relationship. Although strikes, lockouts, and blockades in their form fall within the definition of a boycott, in essence it is the Labour Disputes Act that regulates these in more detail.[11]

2.2.2 More about the procedural rules of the Labour Disputes Act

A prerequisite of being able to use industrial action when revising a collective agreement is that the agreement's period of validity has expired, cf. the Labour Disputes Act § 8, second paragraph. The law states that collective agreements must be terminated no later than three months before they expire, unless otherwise agreed, cf. the Labour Disputes Act § 5, second paragraph. In practice, it is common to have an agreed notice period of two months.

A further requirement is that notice of termination must have been given for the employment relationships to be covered by the industrial action and that the notice period has expired. The act sets a 14-day notice period, cf. the Labour Disputes Act § 15, first

[9] Legal theory advocates that such actions can be used for the initial establishment of a collective agreement on the grounds that, in such cases, the labour market stakeholders are not bound by a collective agreement from which consequences and a duty of peace can be derived, cf. Hansteen et al. (2015) p. 191.

[10] Act of 5 December 1947 no. 1 on boycotts (Boycott Act).

[11] Cf. Proposition to the Odelsting no. 70 (1947) p. 9 and Hansteen et al. (2015). p. 257.

paragraph. In the Labour Disputes Act § 1, letter h, notice of termination is defined as "termination of employment agreements for the purpose of initiating a strike or lockout". In reality, notice of termination means that the employment relationship is suspended during the industrial action. When the industrial action ends, the employment relationship continues as before, with any changed conditions as a result of a new collective agreement.

The notice of termination establishes the external framework for who can participate in any industrial action. The starting point of the legislation is that all those to whom notice of termination has been issued shall take part in the industrial action, cf. the Labour Disputes Act § 17. In practice, this is modified by established agreement-based rules on withdrawal, see point 2.3.

A legal notice of termination establishes both a right and an obligation to withdraw at the end of the notice period. The notice of termination cannot be withdrawn or modified by the employee without the employer's consent.[12] Furthermore, a notice of termination must, as a general rule, involve the complete stoppage of work, cf. e.g. ARD-1985-76. Under current law, there is therefore little scope for any other form of industrial action than a strike or lockout in connection with revisions to collective agreements. The social partners can, however, permit other means of action than a complete work stoppage.[13]

At the same time as notice of termination is issued, written notice of this must be provided to the National Mediator of Norway, cf. the Labour Disputes Act § 16, first paragraph. A strike or lockout must not be initiated until four working days have passed since the National Mediator of Norway received the notice, cf. the Labour Disputes Act § 18, first paragraph. Furthermore, the National Mediator of Norway shall place a temporary ban on work stoppages that may harm public interests until mediation is concluded, cf. the Labour Disputes Act § 19, first paragraph.[14] The ban must be issued within two days of the notice being received, cf. the Labour Disputes Act § 19, fourth paragraph.

When a temporary ban on work stoppages has been issued, the parties of the dispute of interests shall immediately be called to mediation, cf. the Labour Disputes Act § 20, first paragraph. The mediation is compulsory in the sense that the parties are obliged to meet, cf. the Labour Disputes Act §§ 21 and 51. The mediator and the parties work together on the practical aspects of the summons, and the mediation will normally be set up with reference to the deadline rules, so that it is known in advance when a work stoppage may

[12] This point of departure is derived from the general rules of contract law and is based on practice, cf., e.g., ARD-1983-176.

[13] Cf. Hansteen et al. (2015). p. 99.

[14] When revising a nationwide collective agreement, such a ban is, in practice, always lifted.

occur.[15] In practice, a mediation queue can arise, which means that certain settlements must wait for some time before mediation starts.

The parties can demand that mediation be completed ten days after the National Mediator of Norway has issued a ban on work stoppages, cf. the Labour Disputes Act § 25, first paragraph. Mediation shall end no later than four days after a claim of a breach of the mediation has been lodged, cf. the Labour Disputes Act § 25, second paragraph.[16]

According to the Labour Disputes Act § 30, mediation can be resumed if the parties jointly demand it. The National Mediator of Norway or the mediator who has dealt with the case is also free to resume mediation at any time. Once the industrial action has lasted for one month, the mediator must investigate the possibility of new contact between the parties, possibly calling for a new mediation process if appropriate.

2.3 Rules on withdrawal

Through practice, a system of withdrawal has been developed which means that the industrial action does not have to include everyone who is covered by the notice of termination from the start but can gradually be stepped up with new strike action within the framework of the notice of termination. The scheme is currently based on an agreement laid down in main agreements, modelled after the primary LO-NHO agreement § 3-1 no. 2.

Notice of withdrawal specifies who and how many people will be taken out on strike or lockout and must be given with a four-day deadline. The deadline coincides with the deadline for ending the mediation in the Labour Disputes Act § 25 and must be issued no later than when mediation is required to end.

2.4 Voluntary and compulsory arbitration

According to the Wage Arbitration Act,[17] if a dispute of interest is not resolved through mediation, the parties can jointly bring the dispute before the National Wage Board, cf. the

[15] Cf. Hansteen et al. (2015), p. 154.

[16] The Civil Servants Employment Disputes Act has similar rules, but somewhat longer deadlines. Mediation can be required to be terminated after 14 days and must, in that case, be terminated no later than one week after the claim was lodged, cf. the Civil Servants Employment Disputes Act §§ 14 and 17.

[17] Act of 27 January 2012 no. 10 on wage arbitration in labour disputes (Wage Arbitration Act).

Wage Arbitration Act § 2, first paragraph and the Civil Servants Employment Disputes Act § 26, first paragraph.[18] Voluntary arbitration is rarely used in practice.[19]

However, wage arbitration proceedings are also used in cases where the authorities find it necessary to intervene to end industrial action. There is no general law on the use of compulsory arbitration. Intervention in impending or ongoing industrial action must therefore be engaged from time to time according to the ordinary procedures for legislative enactment. If the intervention takes place when the Storting is not in session, the decision must be made by means of a provisional arrangement, cf. the Norwegian Constitution § 17. See point 7.2 for a more detailed explanation of the prelude to a decision on compulsory arbitration.

In each case, the National Wage Board is appointed with nine members, cf. the Wage Arbitration Act § 3.[20] Five of these are appointed by the King for three years at a time. Three of the permanent members are independent of the authorities and social partners. Two permanent members are from the employee side and the employer side (represented by the Norwegian Confederation of Trade Unions (LO) and NHO). These members have an advisory role and no independent voting rights. The parties of the individual dispute each appoint two members of the board. For decisions, two of the stakeholder-appointed members and the three neutral members have the right to vote. The stakeholder-appointed members can transfer their voting rights to the permanent employee or employer representative.

The National Wage Board's ruling has the same effect as a collective agreement, cf. the Wage Arbitration Act § 2, second paragraph. In order for the board to be able to resolve all aspects of the dispute in question, the board has the same capacity as the social partners to determine the content of the collective agreement. This includes questions about determining exceptions to provisions in law when the social partners have been given the

[18] For public officials without the right to go on strike, it is the National Wage Board that determines any dispute with a binding effect, cf. the Civil Servants Employment Disputes Act § 26 a.

[19] Voluntary arbitration has been used a total of 57 times since 1953. After 1992, voluntary arbitration has only been used once (in 2012). In addition, Spekter and Unio made use of a special voluntary arbitration in 2021.

[20] In cases under the Civil Servants Employment Disputes Act, each case is heard by a chairperson and six other members. The social partners in the individual dispute nominate one member each, cf. the Wage Arbitration Act § 3, fourth paragraph. With the consent of the parties, the head of the National Wage Board can also decide that an individual dispute be settled with three members, cf. the Wage Arbitration Act § 3, sixth paragraph.

capacity to enter into a collective agreement on this, within the framework of EEA law. This is specified in the preparations for a number of intervention laws.[21]

The Labour Disputes Act § 5 prescribes the procedural rules for the Labour Court of Norway in the Labour Disputes Act, the use of the National Wage Board as far as is appropriate. In addition to the fact that the board must make its decision within the framework of the social partners' claims, there are no formulated decision-making rules for the National Wage Board. On the basis of the National Wage Board's practice, certain points of departure can nevertheless be derived for the treatment of revisions to collective agreements. In situations where there are negotiation or mediation proposals within the same collective bargaining sector, the National Wage Board will normally use these as the basis for its rulings.[22] Furthermore, the general wage supplement is usually granted with effect from the time work was resumed, while "technical" changes are granted with effect from when the ruling was issued.[23] Thirdly, the National Wage Board is cautious about introducing new elements into a collective agreement if the parties do not agree on them.[24]

2.5 Compulsory arbitration and the right to industrial action

2.5.1 Introduction

The Norwegian practice of compulsory arbitration is related to the fact that almost all employees have the right to use strikes as a means of action.[25] Rather than placing restrictions on employees' right to strike in certain sectors, Norway has based state intervention in labour disputes on concrete ongoing assessments of the impact of the dispute.

A decision on compulsory arbitration constitutes a clear intervention in the social partners' right to industrial action and must therefore be within the framework for legal intervention

[21] See e.g., Proposition 217 L (2020-2021) p. 3. The clarification was included in the wake of a judgment in the Labour Court of Norway on the National Wage Board's capacity, see AR-2017-29.

[22] See Stokke, Neegard, and Evju, S. (2013), page 194 for a more detailed discussion of rulings that represent an exception to this line.

[23] In some cases, exceptions have been made to this practice. In 2006, the Akademikerne received the wage supplements from 1 May, The National Wage Board's ruling no. 2/2006

[24] Stokke, Neegard and Evju, S. (2013), page 194.

[25] According to traditional opinion, public officials and military officers are not allowed to strike. The previous strike ban for police officers was removed in 1995.

outlined in national legislation and the international conventions that Norway has undertaken to adhere to.

In Norway, freedom of association, including the right to initiate industrial action, is enshrined in the Norwegian Constitution § 101.[26] Furthermore, freedom of association is protected by a number of international conventions that Norway is bound by. Three of these, the European Convention on Human Rights (ECHR) from 1950 and the UN's two covenants from 1996 (the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR)) are incorporated as Norwegian law through the Norwegian Human Rights Act.[27] Furthermore, freedom of association is protected in the European Social Charter from 1961[28] revised in 1996,[29] and in ILO convention no. 87,[30] no. 98,[31] and no. 151.[32] As of today, the ILO conventions are not incorporated in Norwegian law through the Norwegian Human Rights Act.[33]

EEA law also plays a role. Although the EEA Agreement does not have its own provisions on human rights, and the EU's Charter of Fundamental Rights is not included in EEA law, it is assumed in case law that fundamental rights, including the right to collective bargaining and access to collective measures, are included in EEA law.[34] Furthermore, it follows from case

[26] The provision was included in the Norwegian Constitution in 2014, cf. resolution of the Storting of 13 May 2014.

[27] Cf. Act of 21 May 1999 no. 30 on strengthening of the status of human rights in Norwegian law (Human Rights Act).

[28] European Treaty Series no. 35, ratified by Norway in 1962.

[29] European Treaty Series no. 163, ratified by Norway in 2001.

[30]ILO Convention no. 87, Freedom of Association and Protection of the Right to Organise Convention, ratified by Norway in 1949.

[31]ILO Convention no. 98, Right to Organise and Collective Bargaining Convention, ratified by Norway in 1954.

[32]ILO Convention no. 151, Labour Relations (Public Service) Convention, ratified by Norway in 1980.

[33] It follows from the Hurdal platform that the government wants the ILO's core conventions to be adopted. This will have consequences for the legal significance of the ILO conventions.

[34] Cf. the EFTA Court's advisory opinion in E-14/15 *Holship Norge AS v Norsk Transportarbeiderforbund,* sections 122-123.

law that the ECHR and judgments from the ECHR are important sources for determining the content of these rights.[35]

2.5.2 The European Convention on Human Rights (ECHR)

Article 11 of the ECHR protects the freedom of assembly and association. The provision has the following wording:

"Article 11. Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state."

The right to use action is not explicitly mentioned in the provision but is interpreted in practice by the European Court of Human Rights.[36]

With regard the right to restrict the right to strike, the European Court of Human Rights, in its interpretation of ECHR Article 11 no. 2, emphasised ILO convention nos. 87 and 98. The European Court of Human Rights has also referred to the opinions of the ILO expert committee and other international sources such as the European Social Charter (ESC) and practice from the European Committee of Social Rights.[37]

[35] Cf. the EFTA Court's advisory opinion in E-2/03 *Ákæruvaldið (The Public Prosecutor) v Ásgeir Logi Ásgeirsson, Axel Pétur Ásgeirsson and Helgi Már Reynisson,* section 23.

[36] Cf. e.g., the European Court of Human Rights' judgement *National Union of Rail, Maritime and Transport Workers v. The United Kingdom*2014, section 84.

[37] See e.g., the European Court of Human Rights' judgement in *Demir and Baykara v. Turkey* 2008, no. 34503/97, section 85.

2.5.3 The UN's International Covenant on Civil and Political Rights (ICCPR) and the UN's International Covenant on Economic, Social and Cultural Rights (ICESCR)

The right to freedom of association is protected by ICCPR article 22. The provision has clear similarities with article 11 of the ECHR.

Furthermore, freedom of association and the right to strike are protected in the ICESCR article 8 no. 1, letters a-d. At the time of ratification, Norway made a reservation that our practice of compulsory wage boards is not in conflict with the right to strike in Article 8 letter d.

The conventions are enforced by reviewing the member states' reports. Despite Norway's reservations with regard to the ICESCR article 8, no. 1, letter b, the committee that oversees the states' fulfilment of the convention obligations of the ICESCR has expressed concern regarding Norway's use of compulsory arbitration.[38]

2.5.4 ILO conventions

The right to strike is not expressly protected in any of the provisions of ILO convention nos. 87, 98, or 151. The ILO monitoring bodies that investigate compliance with ratified and fundamental conventions has nonetheless assumed that the right to strike is to be considered a necessary prerequisite for, and therefore also part of, freedom of association.[39]

Through their interpretation, the Committee of Experts on the Application of Conventions and Recommendations (Committee of Experts) and the Committee on Freedom of Association (CFA) have established a set of criteria for when intervention in the right to strike can be considered to be compatible with the ILO conventions. Strikes can, firstly, be subject to personnel restrictions by limiting the right to strike of certain groups of workers who exercise administrative authority on behalf of the public sector. Furthermore,

[38] Consideration of reports submitted by states parties under articles 16 and 17 of the covenant - concluding observations of the Committee on Economic, Social and Cultural Rights- Norway, (1995), point 22.

[39] During the International Labour Conference in 2012, the Employments Group objected that the right to strike is not covered by convention no. 87. The employer side has since maintained this point of view, stating that the ILO expert committee has gone beyond its mandate by interpreting the right to strike in the convention. In connection with the ILO board meeting in November 2023, it was decided to refer the matter to the International Court of Justice in The Hague (ICJ).

employees who normally have a right to strike can have this right limited should an acute national crisis situation arise.[40]

An intervention in the right to strike will also be accepted if a strike affects particularly important societal services or activities ("essential services"). Such societally important services are "those services whose interruption would endanger the life, personal safety or health of the whole or part of the population."[41] The scope of the services covered by the term has been drawn up through the practice of CFA. Typical examples here are the health sector, water supply services, the police, the fire service, and air traffic control services.[42] Whether the service falls under the narrow understanding of the term ("essential in the strict sense of the term") depends on a concrete assessment where the conditions in the individual state and the circumstances surrounding the specific labour dispute are given weight. A service which, at the beginning of the dispute, is not considered to be essential to society, could develop into one if the strike becomes long-lasting and grows in scale.

In order for a restriction on the right to strike to be defended under the conventions, a further condition is set that the danger to life, safety, and health for all or part of the population must be "clear and imminent". However, this does not mean that the states must make a concrete assessment of the labour dispute in question. The states can also enact a prohibition based on an assumption that such harmful effects will occur if a particular service is paralysed by a strike.[43]

Where a ban on or a significant intervention in the right to strike is not compatible with the conventions, the ILO has pointed to the possibility of setting requirements for minimum services. The maintenance of minimum services is primarily recommended by the ILO in situations where a significant restriction or prohibition of industrial action cannot be justified (i.e., for sectors other than essential services in the strict sense of the term). In such cases, requirements for minimum services have been accepted where the extent and duration of the strike might be such as to result in an acute national crisis endangering the normal living conditions of the population, and in public services of fundamental importance.[44] Maintaining minimum services has also been highlighted as an alternative to banning strikes

[40] See Alsos (2010), page 128, citing ILO Digest 2006, section 570.

[41] Cf. e.g., ILO Digest 2006, section 564.

[42] Cf. ILO Digest 2006, section 587.

[43] Cf. Alsos (2010), page 129 and Uggerud (1997), page 176.

[44] Cf. ILO Digest 2006, section 606.

for essential services.[45] ILO conventions do not specify any obligation to establish arrangements for minimum staffing or the like.

Certain procedural requirements are advisable when designing minimum services. The organisations on the employee and employer side must be involved in designing the arrangements, including determining what is considered necessary staffing. In the ILO's opinion, disagreements between the parties should not be decided by public authorities, but by an independent body.

The member states are obliged to report regularly to the ILO on how they have fulfilled ratified conventions and recommendations. The country reports are assessed by the expert committee, which then presents its assessments to the implementation committee at the annual labour conference. The labour conference's committee for the implementation of conventions and recommendations deals with a selection of these cases and issues concluding remarks on whether compliance is compatible with convention obligations or not. The states are given the opportunity to explain any discrepancies before the committee decides on and publishes its conclusions.[46]

The freedom of association and the right to collective bargaining are also enforced by CFA. CFA deals with complaints from organisations that believe that member states have violated their convention obligations. See point 2.6.1 for a more detailed discussion of Norwegian complaints.

2.5.5 The European Social Charter

The right to industrial action is regulated by the European Social Charter article 6, no. 4. The provision obliges the parties to the convention to recognise "the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into."

Article G of the charter states that the right to strike can be restricted if "prescribed by law and necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals."

According to the practice of the European Committee of Social Rights (ECSR), the right to strike may be limited for certain holders of public office, including police officers, military officers, judges, and public officials. Furthermore, restrictions within essential services or

[45] Cf. ILO, Compilation of decisions of the Committee on Freedom of Association 2018, section 867.

[46] See Alsos (2010), p. 126.

sectors are also considered to have a legitimate purpose.[47] The hospital sector, transport sector, water and food supply, and waste management are examples of services that have been considered essential by the ECSR.[48] In order for such interventions to be considered legal, they must, however, fulfil the conditions in article G of the charter. The assessment of whether the conditions have been met requires concrete and discretionary assessments, and the legality will depend, among other things, on the extent to which society is dependent on the affected service.[49]

The states periodically report on how article 6, no. 4 has been implemented. Based on these reports, the ECSR assesses whether national law is in accordance with the convention. In addition, there is a complaint mechanism that was established by an additional protocol from 1995, which gives social partners the right to complain to the ECSR about violations of the convention.[50] The committee considers the matter and then makes a decision which is forwarded to the Committee of Ministers. On this basis, the Committee of Ministers can draw up a resolution that the state in question should take measures to bring national law into line with the convention.[51]

2.6 International bodies' treatment of Norwegian interventions

2.6.1 ILO practice in the period 2000 to 2023

The ILO complaints body, CFA, has dealt with a total of 14 cases against Norway. A majority of the complaints originate from the 1980s and 1990s. The then Employment Rights Council carried out a review of all the complaints that had been pending at the time the council was operating, see NOU 1996: 14, point 5.7. The outcome of the complaints was summarised here as follows:

"A consistent criticism from the ILO has been that there has been intervention in disputes in industries that cannot be characterised as 'essential services', i.e. services or businesses whose interruption puts all or part of the population's life, health, or personal safety at risk.

[47] Cf. Digest of the Case Law of the European Committee of Social Rights, page 92.

[48] Council of Europe, Doc. 10546, section 45.

[49] Cf. Alsos (2010), page 133 citing the European Social Committee's conclusions from 1969.

[50] Additional Protocol to the European Social Charter Providing for a System of Collective Complaints, ETS no. 158.

[51] For a more detailed account of the control system under the charter, see Evju (1998).

In the ILO's view, the damaging effects in the cases brought before it have not been of such a nature and extent that intervention can be considered compatible with the principles of freedom of association. A key point for the ILO has been that it has intervened too early and before harmful effects have materialised of which it has been possible to make a real assessment.

Norway's economic justifications for intervention in the oil sector have not been considered sufficient. In the ILO's view, purely economically justified interventions can only be in the spirit of the convention in long-term disputes or if the economic damage has more direct and serious implications for the country. The ILO's criticism of intervention in the oil sector has, however, been muted in more recent cases. The criticism in the last oil case (case no. 1576) was thus significantly milder than in the two preceding cases, and the ILO expressed some understanding of Norway's arguments.

(…)

The complaints have revealed a disagreement between Norway and the ILO bodies regarding the scope of the obligations under the conventions. The tolerance limit that has been set in Norway for the extent of the harmful impact on society and third parties is too low according to the interpretation of the conventions that the ILO bodies use as a basis. In the compulsory arbitration cases, Norway moves within the outer limits of the criteria that the ILO has set for intervention in the right to strike, and Norway has undoubtedly violated these limits in several cases."

Following the work of the Employment Rights Council, the CFA has dealt with a further six complaints against Norway.[52] A more detailed description of these follows below.

Case no. 2484: In 2006, EL & IT Forbundet Norge filed a complaint with the ILO alleging a breach of ILO convention nos. 87 and 98. The basis for the complaint was the decision on compulsory arbitration in the labour dispute between the EL & IT Forbundet and Tekniske Entreprenørers Landsforening (TELFO) in connection with the revision of the Lift Agreement in 2004. The strike and lockout had lasted for more than five months. The intervention was justified given the overall consequences of the industrial action, with particular emphasis on a rapidly deteriorating safety risk as a result of a long-term failure to inspect lifts, and that the dispute seemed deadlocked. The CFA recognised that the absence of qualified maintenance and service could potentially pose a danger to public health and safety, but pointed out that in such circumstances a minimum service could be established in advance of a strike. The committee expressed concern that the intervention was not in accordance

[52] In addition, a complaint has been filed by Utdanningsforbundet regarding the intervention in the teachers' strike in 2022, which has not been fully processed by the ILO bodies, see CFA case no. 3450.

with convention no. 87 and no. 98. It requested that Norway ensure that, in the future, consideration be given to the possibility of negotiating or establishing an agreement on minimum maintenance instead of imposing a direct ban on further industrial action. The committee further expressed that, in cases where there is no agreement on minimum service between the parties, an independent body should be established which can determine a level of minimum staffing that safeguards the health and safety of the population.

Case no. 2545: The case concerned a decision on compulsory arbitration and a ban on strikes and lockouts in labour disputes in the financial industry in 2006. The industrial action included employees in both the banking and insurance industries. The decision to intervene was based on the fact that further industrial action would lead to a reduction in the vast majority of bank functions, which would cause immediate and serious problems for consumers, the business community, and social security recipients. Norway argued before the committee that the banking sector had developed and was now to be considered an "essential service in the strict sense of the term". With regard to the possibility of minimum services, Norway asserted that the responsibility for reaching such an agreement rest with the collective bargaining parties. The committee concluded that the intervention was contrary to convention no. 87 and no. 98. It pointed out that the inconveniences that underpinned the intervention only related to the strike in the banking sector, not the insurance sector. It then expressed an expectation that, in the future, authorities avoid legislation that prohibits all industrial action, particularly in cases relating to intervention in sectors that are not considered "essential". Although the committee was of the opinion that the banking sector was not to be considered "essential in the strict sense of the term", it expressed an understanding that it might be necessary to intervene in the labour dispute with a requirement for minimum services. It reiterated that minimum service agreements should ideally be negotiated by the parties but could be imposed by an independent body if the parties fail to reach such an agreement. With reference to case no. 2484, an expectation was expressed that, in the future, Norway considers negotiations or requirements for minimum services rather than prohibiting industrial action by way of compulsory arbitration.

Case no. 3038: In the collective bargaining for the continental shelf agreements in 2012, a strike was initiated on 24 June. About two weeks later, the employer side announced a lockout for the remaining members of the agreement. In order to prevent the impact of the announced lockout, the government decided to intervene with compulsory arbitration, referring to Norway's economy and reputation as a large and reliable supplier of oil and gas in Europe. The committee pointed out that it had repeatedly been presented with cases related to Norway's use of compulsory arbitration in "non-essential sectors". Furthermore, it stated that an acceptance of intervention in the right to strike on the basis of the consequences for commerce, would put an effective stop to a number of legitimate strikes.

Despite the fact that it understood that a full lockout would have a huge impact on day-to-day life in Norway, it expressed that such consequences would have to entail a danger to life, safety, or health for all or part of the population in order to justify intervention by way of compulsory arbitration. In this case, the committee found that the other consequences had not materialised, and concluded on this basis that the intervention was in breach of the right to organise. The committee referred to the possibility of establishing minimum services arrangements, and expressed "regrets" that the authorities, despite previous recommendations, had not succeeded in negotiating an agreement on minimum services with the parties, or referred the matter to an independent body.

Case no. 3147: The strike in connection with the collective agreement for laundrettes and dry cleaners in 2014 was called off, referring to the danger to patients' lives and health as a result of a lack of clean linen for a number of nursing homes and healthcare facilities. Industri Energi (IE) referred the matter to the ILO. Although they did not dispute the assessment of the Norwegian Board of Health Supervision (NBHS) in respect of danger to life and health, they believed that the authorities have a responsibility to prevent compulsory arbitration from being invoked. IE referred to the committee's earlier opinions on minimum services and stated that such an arrangement should have been established to ensure the delivery of goods and services to sectors where industrial action could pose a danger to life and health. From Norway's side, it was stated that the conventions do not impose an obligation on the countries to establish minimum services in the event of industrial action. It was shown that there was broad agreement about the current system, and that the question of establishing minimum service arrangements had been considered and rejected by the social partners on several occasions. The committee referred to earlier decisions on intervention in labour disputes in sectors which cannot be considered socially critical, and earlier opinions that compulsory arbitration is difficult to reconcile with the right to strike. The committee called on the authorities to initiate a dialogue with the social partners to discuss the options for ensuring that basic services are maintained in cases where a strike could endanger life or health.

Case no. 3372: The case concerned the state's intervention in the labour dispute between the Norwegian Nurses Organisation (NSF) and the Norwegian Federation of Service Industries and Retail Trade in connection with the collective bargaining for the Nursing and Social Care Agreement in 2018. NSF's first strike was limited to 56 nurses at seven different establishments and was assessed as not posing a danger to life and health. The decision to intervene was made after the employer announced an extensive lockout (445 members at 65 different establishments) which the authorities considered would entail an immediate danger to life and health. NSF referred to the ILO's previous opinions that the state should ensure the establishment of minimum services. They stated that intervention by way of compulsory arbitration was unjustified, since minimum services could have been imposed to

ensure that the industrial action did not pose a danger to life, personal safety, or health. The commission pointed out that the intervention differed from previous cases where Norway had been criticised because here it was a matter of intervention in a societally important service ("essential service in the strict sense of the term"). In the event of a strike in such a sector, it is up to the national authorities to assess whether it is necessary to restrict the right to strike. Intervention was therefore not considered to be contrary to the convention. The committee nevertheless expressed concern that the lockout seems to be able to be used as an "application for compulsory arbitration" and called on the authorities to engage in further dialogue with the social partners regarding minimum services.

The practice of the ILO shows, firstly, that a great deal is required to justify intervention based on economic or more commercial interests being in accordance with the conventions. Furthermore, there is reason to note that the ILO has, in some cases, advocated partial intervention, cf. the opinions in case no. 2545 (intervention in the labour dispute in the financial sector in 2006). In that case, this would be intervention against a group of employees covered by the same collective agreement. That such a partial intervention should have been carried out was not stated to the ILO in the complaint and was therefore not contested by the authorities either.

Where there is talk of interventions in services that are not considered to be strictly critical for society, but where the impact of industrial action has nevertheless had serious consequences, the committee has consistently been critical of the fact that Norway has not put in place minimum service arrangements as an alternative to interventions that stops the industrial action as a whole. The criticism from the ILO on this point may nevertheless seem to have softened somewhat, and in the later cases the committee has limited itself to calling on the authorities for further dialogue with the social partners on this matter. Also in sectors that have been considered critical for society ("essential in the strict sense of the term"), the ILO has expressed the view that minimum services are preferable to intervention by way of compulsory arbitration. On several occasions, the committee has expressed that minimum services should ideally be negotiated between the parties in peacetime, but that – in the absence of such agreements – these types of agreement can be concluded during an ongoing strike, and that the matter can be referred to an independent body if the parties do not succeed in reaching an agreement.

2.6.2 ESC practice in the period 2000 to 2023

The ECSR has not dealt with complaints against Norway regarding compliance with article 6, no. 4.

The ECSR has nevertheless concluded that certain Norwegian interventions have been in breach of article 6, no. 4 in its periodic assessments of member states' compliance with the provisions of the charter. The assessments are based on Norway's reports.[53]

For the period 2001 to 2004,[54] the committee concluded that three interventions in the oil sector constituted a breach of the provision.[55] Although it was clear that the labour disputes had serious consequences for the economy, the committee was of the opinion that it had not been proven that the intervention was necessary to safeguard the rights of citizens, the consideration of public interests, national security, public health, or morale. The conditions for restricting the right to strike under article G were therefore not present.

Also in the period 2005 to 2008,[56] the committee found that Norway had acted in violation of article 6, no. 4 in two instances of intervention. Both the intervention in the labour dispute between the Akademikerne and the state, and the intervention in the labour dispute between the Finance Sector Union of Norway and Finansnæringens Arbeidsgiverforening in 2006[57] were considered to be in contravention of the convention on the grounds that the stated consequences were too vague. The intervention in the labour dispute between EL&IT Forbundet and Tekniske Entreprenørers Landsforening (the Lift Agreement)[58] was, however, considered to be in accordance with the convention. The committee based its conclusion on the fact that the intervention was "proportionate" and, in this regard, emphasised the duration of the strike, the increasing danger in respect of the safety of lifts, and the consequences of the strike for people with reduced mobility, the elderly, and others.[59]

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[53] In 2023, changes were made to the reporting system under the ESC. For Norway, this means that reports must now be submitted on half of the provisions in the ESC every four years. In this way, Norway will have reported on every provision of the ESC every eight years. The next report Norway must submit on article 6 is in 2025.

[54] See the European Social Committee's conclusions from 2006.

[55] This applied to the intervention in the labour disputes between Oljearbeidernes Fellessammenslutning (OFS) and the Norwegian Union of Managers and Executives (Lederne) on the one hand, and Oljeindustriens Landsforening (OLF) on the other in 2004, cf. the provisional arrangement of 25 June 2004 and the intervention in the labour dispute between OFS and the Norwegian Shipowners' Association in 2004, cf. Proposition to the Odelsting no. 10 (2004-2005).

[56] See the European Social Committee's conclusions from 2010.

[57] Proposition to the Odelsting no. 90 (2005-2006) and Proposition to the Odelsting no. 93 (2005-2006)

[58] Proposition to the Odelsting no. 45 (2004-2005)

[59] See the discussion in Seip (2013), page 76.

In the report for the period 2009 to 2012,[60] the committee noted that Norway had intervened by way of compulsory arbitration six times. Four of these instances were linked to the health sector. The committee stated that it would no longer consider strikes to be "prima facie" covered by the exemption provision in article G, and that it considered the health sector to be covered by this exemption provision.[61] For the two other instances of intervention – in the oil sector and within the security sector – the committee conducted a more detailed assessment. Intervention in the dispute between LO/Norsk Arbeidsmandsforbund (NAF) and NHO/Norwegian Federation of Service Industries and Retail Trade (the security strike) in 2012[62] was considered to be proportionate and necessary given the situation, and therefore compatible with article 6, no. 4. Intervention in the labour disputes between Industri Energi/Safe and Norsk Olje og Gass in 2012[63] was, on the other hand, considered to be contrary to article 6, no. 4. The committee assumed that even if the consequences of the conflicts of interest were serious for the Norwegian economy, the intervention could not be said to be justified in terms of public interests, national security, and the health and morale of society.

In the report for the period 2013 to 2016[64] the expert committee concluded that Norway did not act in violation of article 6, no. 4. During this period, interventions were made in four labour disputes: one in the energy sector,[65] one in the laundry and dry cleaning industry,[66] one in air ambulance services,[67]and one in the health sector.[68] The committee concluded that all four of these strikes were "prima facie" covered by article G, and that they would therefore not carry out a more detailed assessment of article 6, no. 4.

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[60] See the European Social Committee's conclusions from 2014.

[61] Cf. Seip (2013), p.76.

[62] Proposition 134 L (2011-2012).

[63] Provisional arrangement of 10 August 2012.

[64] See the European Social Committee's conclusions from 2018.

[65] Intervention in the labour dispute between EL & IT Forbundet and Atea AS, cf. Proposition 163 L (2012-2013).

[66] Intervention in the labour dispute between Industri Energi and the Federation of Norwegian Industries, cf. provisional arrangement of 19 September 2014.

[67] Intervention in the labour dispute between the Cockpit Association of Norway/LO and the Federation of Norwegian Aviation Industries/NHO, cf. provisional arrangement of 12 August 2016.

[68] Intervention in the labour dispute between Akademikerne and Spekter (helseforetakene), cf. Proposition 10 L (2016-2017).

2.7 Arrangements in other Nordic countries

2.7.1 Sweden

2.7.1.1 General

The Swedish labour market model is characterised by a high degree of autonomy among social partners through collective agreements, and an absence of state involvement and intervention. Wage setting is the domain of the social partners, there is neither a statutory minimum wage nor arrangements for the generalisation of collective agreements such as we find in Norway and Finland. Legislation in the areas of labour law has many examples of semi-dispositive provisions, i.e. provisions where exceptions are permitted through a collective agreement.

The right to initiate industrial action is protected by international instruments to which Sweden has acceded, and is further protected in the Swedish Instrument of Government's [69] catalogue of rights, cf. RF Ch. 2 § 14, provided that nothing else follows from law or agreement. The most important limitation lies in the duty of peace that follows from the social partners being bound by a collective agreement.[70] The more detailed legal framework for wage negotiations and industrial action can be found in the co-determination act[71] (MBL), with certain adaptations for the public sector in the public-sector employment act[72] (LOA).

2.7.1.2 System of negotiation

After the original system for wage setting with centralised wage negotiations between the Swedish Trade Union Confederation (LO) and SAF broke down in the 1970s, Sweden currently has a system based on voluntary co-ordination between the social partners and a common understanding of which basic principles should underlie wage growth.[73]

[69] Instrument of Government 28 February 1974 (RF)

[70] Källström et al. (2022), p. 57.

[71] Act (1976:580) on co-determination in the labour market (MBL)

[72] Act (1994:260) on public-sector employment (LOA).

[73] NOU 2023: 30, p. 85 (box 4.8).

The current model is based on a framework agreement (negotiation agreement) between the social partners[74] which lays down the principles on wage setting in industry and the principle that the framework for wage growth set in industry must apply to the Swedish labour market as a whole. In practice, this means that it is the social partners in the industry who negotiate first, while the other collective bargaining sectors await the result before they negotiate themselves. The result – which is referred to as the industry standard – sets strong guidelines for what can be achieved in negotiations in the other collective bargaining sectors. Co-ordination between the industry and the other collective bargaining sectors takes place internally in the main organisations and through voluntary agreements.[75]

The framework agreement also establishes that salary negotiations are the responsibility of the social partners, and the agreement establishes a negotiation arrangement where separate mediators appointed by the social partners assist in the negotiations if necessary. The parties to the Industry Agreement present their own analyses of the economic situation and wage trends, and have established a separate board of independent economists (Industrirådet).[76] This is in contrast to the arrangement in Norway, where the state has a more active role in this area (by way of the Norwegian Technical Calculation Committee for Wage Settlements, National Mediation Institute). The Industry Agreement has served as a model for other sectors, and similar agreements have been concluded in both the state and municipal sectors, among others.[77]

The employee side in Sweden is organised into three main organisations: the Swedish Trade Union Confederation (LO), the Swedish Confederation of Professional Employees (TCO), and the Swedish Confederation of Professional Associations (Saco). On the employer side, the Confederation of Swedish Enterprise is the central main organisation in the private sector, with 49 trade and employer associations. The individual businesses (nearly 60,000) are members of both the industry associations and the Confederation of Swedish Enterprise. There are also a number of smaller private-sector employer organisations. In the state sector, the Swedish Agency for Government Employers represents public authorities, businesses, and other employers connected to the state sector. In the municipal area, the Swedish Association of Local Authorities and Regions acts as the main organisation.[78]

[74] Industry Agreement, first entered into in 1997.

[75] NOU 2023: 30, p. 85 (box 4.8).

[76] NOU 2023: 30, p. 85 (box 4.8).

[77] Källström et al. (2022), p. 49.

[78] Källström et al. (2022) p. 26.

In the private sector, negotiations take place at three levels. At the top you find the main organisations (central organisations, associations of nationwide organisations at sector level). At this level, main agreements[79] and negotiation agreements[80] are concluded. The main agreements regulate the basic relations between the social partners. The main agreements provide the regulatory framework for how the social partners must engage with each other, and how various situations concerning the relationship between employees and employers must be handled. The main agreement expresses the parties' willingness to resolve disputes themselves and to regulate labour market conditions without interference from the state. The next level is the confederation level, where the confederations, i.e. the national sectoral organisations, conclude nationwide collective agreements on wages and general conditions (so-called confederation agreements). The confederation agreements are followed up at the local level, i.e. between the individual business and local employee associations (departments, clubs).[81]

The agreement negotiations on pay and employment conditions therefore take place primarily at the confederation level, although there is nevertheless a certain degree of co-ordination within the respective main organisations. In 2021, there were approximately 650 such confederation agreements.[82] These are time-limited (the duration is subject to negotiation, usually 1, 2, or 3 years) and the negotiations take place in connection with their expiry.

In the public sector, it has become increasingly common to have so-called numberless agreements, i.e., collective agreements without a centrally determined wage framework.

The co-determination act has rules about who can demand negotiations. It follows from § 10 that both the employee side and the employer side can demand negotiations with their respective counterparty. On the employee side, it is the employee organisations that have the right to negotiate, while on the employer side, both the employer organisation and the individual employer can negotiate and enter into a collective agreement with the respective employee organisation. Pursuant to § 10 of the co-determination act, the employee organisation must have at least one member who is or has been employed by the employer, but there is no requirement for representativeness, such as through the organisation of a

[79] For example, the Saltsjöbaden Agreement from 1938 between LO and Saf (Svenska Arbetsgivareföreningen, now the Confederation of Swedish Enterprise), and the Main Agreement from 2022 between PTK, LO, IF Metall, the Swedish Municipal Workers' Union, and the Confederation of Swedish Enterprise.

[80] E.g., the Industry Agreement from 1997.

[81] Källström et al. (2022), p. 25.

[82] The Swedish National Mediation Office's annual report 2021, p. 27.

certain proportion of the employees. There is also no requirement that the parties are already in a collective agreement relationship with each other, and an employee organisation has the right to negotiate even if the employer is already bound by a collective agreement with another employee organisation.

The duty to negotiate means that a stakeholder must contribute to moving the negotiations forward by clearly stating and justifying its positions on the matter and participating in factual discussion with the other stakeholder. A breach of the duty to negotiate can lead to a liability to pay damages.[83]

If the parties do not reach an agreement through negotiation, the first step is normally to terminate the agreement, cf. the rules on the duty of peace. The next step will often be to file a notice of industrial action. In that case, *the Swedish National Mediation Office* also comes into the picture (see more below).

2.7.1.3 Regulation of labour disputes

Labour disputes are further regulated in the co-determination act, with certain special rules in the public-sector employment act. The rules are supplemented by agreements between the social partners. The basis is that the social partners have the right to resort to industrial action, but this right is limited by the rules on the duty of peace.

As a general rule, labour disputes occur in two contexts. Firstly, in connection with agreement negotiations to influence the content of the upcoming agreement. And secondly, where an employee organisation seeks to enter into a so-called ancillary agreement with an employer who is not a member of an employer organisation.[84]

On the employee side, only employee organisations can decide to initiate industrial action.

Under Swedish law, it is possible for social partners to use a number of different means of industrial action. Unlike Norwegian and Danish law, there are no rules in Swedish law to imply an end to or suspension of the employment relationship when industrial action is initiated. This could offer greater scope in Sweden for industrial action that leads to partial work stoppages, where employees refuse to carry out certain tasks, or stop working for certain periods.

Industrial action does not have to involve a stoppage of work but can, in principle, consist of any measure. A general characteristic is that the measures involve the social partners

[83] Källström et al. (2022), pp. 43-44.

[84] Källström et al. (2022), p. 50.

collectively interrupting their economic relations.[85] § 41 of the co-determination act, for example, refers to "work stoppage (strike and lockout), blockade, boycott, or similar industrial action". § 23 of the public-sector employment act states that a refusal of overtime or an employment blockade can be a means of industrial action.

However, no exhaustive definition has been given in the legislation of what is a means of industrial action in the legal sense. The basis for something to be considered a means of industrial action is that a concrete measure has been adopted aimed at a social partner, with the aim of exerting pressure, and which is adopted in collective forms.[86] The more detailed framework for what are permissible means of industrial action are drawn up in the case law of the Swedish Labour Court.

If the negotiations do not progress and the parties wish to initiate industrial action, there is a notification requirement under the co-determination act. The employer organisation or employer and employee organisation that is considering initiating industrial action (or extending an already initiated industrial action) has an obligation to notify both the other party and the Swedish National Mediation Office[87] no fewer than 7 working days in advance. The notice must contain information about the background to the industrial action and its scope, cf. the co-determination act § 45. The aim is to provide scope for resolving the dispute without industrial action, such as by involving mediators. A breach of the notification obligation does not result in the industrial action being illegal, but a penalty may be imposed (payable to the state) and lead to a liability to pay damages to the other party.

The Swedish National Mediation Office appoints special mediators who assist in negotiations between trade unions and employer organisations. In addition, it has four permanent mediators who assist in labour market disputes about collective agreements and local disputes where trade unions demand collective agreements with individual employers.

There is no unconditional demand for mediation before industrial action is initiated. However, in cases where there is a risk of industrial action, or industrial action has already been initiated, the Swedish National Mediation Office can decide on compulsory mediation and appoint mediators, cf. the co-determination act § 47 b. In connection with such mediation, the mediator can demand that the Swedish National Mediation Office order a

[85] Källström et al. (2022), p. 49.

[86] Källström et al. (2022) p. 55.

[87] The Swedish National Mediation Office was established in 2000 after a tumultuous period in the Swedish economy. The Swedish National Mediation Office's task is to ensure well-functioning wage setting, mediate in agreement negotiations, and prepare wage statistics.

party to postpone its notified industrial action for up to 14 days if this can help to bring about a peaceful resolution to the dispute. Compulsory mediation is not possible if the parties have entered into a negotiation arrangement agreement with separate mediation rules (such as the Industry Agreement), and this has been registered with the Swedish National Mediation Office.

In the public sector, there are some special rules for the use of industrial action in the public-sector employment act. First and foremost, the right to use industrial action is limited for work that involves the exercise of authority or that is absolutely necessary to carry out the exercise of authority. Exercise of authority here means decisions and measures that the authorities take in respect of individuals. In these cases, only the use of lockouts, strikes, refusal of overtime, and blockade of new employment are permitted. This means that (with the exception of refusal of overtime) the partial stoppage of work is not permitted. Industrial action can only apply to relationships between employers and the employees covered by the public-sector employment act. Sympathy actions in favour of social partners in the private sector are therefore not permitted.

In practice, it is up to the social partners to assess how the labour dispute should be structured, and there are no statutory minimum service arrangements or the like during a labour dispute. This is usually regulated in more detail in the main agreements, including provisions on societally damaging industrial action and so-called protective work (work that must be carried out to avoid injury and/or damage to people, machines, stock, etc.). It is common for the parties to negotiate how these conditions should be handled in the specific dispute. If the parties cannot reach an agreement, the question of whether a dispute is damaging to society or not can be referred to a special board, set up by the parties themselves. Although the decisions of these boards are not legally binding, it is common for the parties to respect and follow the decision. An example of contractual provisions on board proceedings can be found in the Municipal Main Agreement, chapter VI. In the state sector, there are provisions on board proceedings in the main agreement chapter 7, §§ 10 to 14. Board proceedings are used to a small extent. The Swedish State Service Board has not had to consider any cases since the 1980s.

2.7.1.4 Intervention

There is no tradition in Sweden for the state to intervene with legislation to end industrial action.[88]

2.7.2 Denmark

2.7.2.1 General

The rules for collective employment law are regulated by law in Denmark only to a small extent.[89] The basic principles are established through main agreements, including the principles of organisational law, dispute law, and the duty of peace. Although there are differences in the design of the individual provisions, the basic principles are uniform in character in the various main agreements. However, a characteristic of the main agreements is that they contain a limited number of provisions that are general in their design, and they are seldom changed by the social partners. The special courts in the field of employment law[90] therefore play a major role when it comes to adapting the general principles to current labour market conditions, and collective labour law in Denmark rests to a large extent on court-created rules.[91]

2.7.2.2 System of negotiation

The wage negotiation scheme in Denmark is based on the joint declaration of 1987, which is a tripartite agreement between the main organisations on the employee side (the Danish Confederation of Trade Unions (LO), Confederation of Professionals in Denmark (FTF), and the Danish Confederation of Professional Associations (AC)), the Confederation of Danish Employers (DA), and the Danish government. Ahead of the wage settlement agreement in 2000, LO and DA entered into an agreement on how the main organisations could contribute to the co-ordination of wage setting in the upcoming settlement (framework agreement for decentralised negotiations). Such agreements are now entered into in advance of wage settlement agreements.

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[88] NOU 2001: 14 p. 73.

[89] The right to initiate a dispute with a foreign service provider is regulated in the Danish foreign deployment act, § 6 a.

[90] The Danish Labour Court and the Danish Public-sector Employment Courts.

[91] Kristiansen (2014), page 83.

Also in Denmark, wage settlement agreements always start with settlement agreements within the industry. In the Danish context, this means agreements that fall under the cartel:[92] The Central Organisation of Industrial Employees (CO-industri) and their employer counterparts. The employment agreement between CO-industri and the Confederation of Danish Industry is always negotiated first. This agreement, which is a minimum wage agreement, together with the first normal wage agreement to be negotiated (the transport sector) constitutes the so-called "breakthrough agreements".[93] Although no overall percentage framework is set for the later agreements, most other social partners will reach an agreement within the framework of these two agreements.

Normally, wage negotiations in the public sector take place the year after the private sector.[94]

Wage negotiations in the public sector are also co-ordinated on the employee side through negotiation associations and cartels. The collective agreement negotiations take place within a negotiation hierarchy with the state at the forefront, which negotiates with the Central Federation of State Employees' Organisations (CFU) – which is a collaboration between AC, the Collective Negotiation Community of Central and Local Government Employees (SKAF), and Organisations of Public Employees (OAO). An agreement in the state sector lays the financial framework for the other areas of negotiation in the public sector. This negotiation hierarchy ensures co-ordination and stability around wage growth in the public sector. Moreover, the regulation arrangement agreement,[95] which ties wage setting in the public sector with wage setting in the private sector, plays a major role.

Co-operation in the CFU is extensive. Among other things, it involves the CFU submitting joint demands for collective agreement revisions on behalf of the central organisations, the CFU's negotiating delegation conducting the actual negotiations with the Danish Ministry of Finance, and all the CFU's member organisations accepting the proposed settlement before this is final. Within the SKAF, collaboration requires internal agreement in the approval of a settlement, while in OAO and Akademikerne only a simple majority vote is required. The latter means that individual organisations' refusal of a settlement does not have an impact on the outcome if the settlement is desired by the majority. Historically, this has helped to

[92] Cartel formation is a form of co-operation which means that trade unions that have members within the same industry sector act jointly in respect of the relevant industry sector's employers.

[93] NOU 2023: 30, page 86.

[94] In Denmark, there is no interim agreement.

[95] This agreement, which has existed since 1975, establishes a post-regulation arrangement for municipal and state employees, which ensures that they do not fall behind in terms of pay compared to the private sector.

secure settlements in the state sector, which in turn sets the financial framework for the remaining negotiations and sectors that may end up in the Danish Mediation Institute.

Also in the municipal sector, there is a joint negotiating organisation representing all organisations. Municipal Employees and Collective Bargaining Employees (KTO) issues joint demands to the municipal employers. There is no requirement here that all member organisations agree to a settlement in order for an agreement to be reached, and it therefore happens that some unions go against a proposal that is accepted by the other organisations. In such cases, the matter will be referred for mediation, provided that this relates to "collective bargaining employees" and not to public-sector employees.

2.7.2.3 Regulation of labour disputes

The right to take industrial action is not established by law but is considered a fundamental principle in Denmark. The right to industrial action is also protected by international conventions to which Denmark is bound. For employees, the right to use strikes and blockades as part of disputes of interest is explicitly stipulated in the Main Agreements. The same applies to employers' rights to use lockouts and boycotts.

The Danish collective agreement system rests on the assumption that the employment relationship is brought to a temporary end in the event of a strike. In the same way as in Norway, other forms of industrial action and rolling strikes are therefore limited.[96]

The framework and conditions for the initiation of industrial action in relation to demands for the creation of a collective agreement and demands in connection with the revision of a collective agreement are different. In the case of revisions to a collective agreement, the dispute is part of a formalised negotiation process, the aim of which is to get the parties to reach an agreement. The negotiations take place under the Danish Mediation Institute, and the dispute can ultimately be stopped by the Danish parliament, the Folketing, see below. In disputes relating to collective bargaining, neither the Danish Mediation Institute nor the Folketing play a role, as the state does not force a reluctant party to enter into a collective agreement.

In case law, it has been established that industrial action may be illegal if the purpose of the action lies outside the relevant organisation's professional area. The condition curtails the trade unions' ability to force their way into the core vocational areas of other organisations. Such an expansion of vocational territory must take place via voluntary agreements with the

[96] Kristiansen (2014), page 463.

employer party.[97] The condition has primarily been relevant in situations where an LO confederation requires a collective agreement to be established in areas where other LO confederations already have collective agreements. When two employee organisations do not belong to the same main organisation, the condition has had less impact.[98]

In the public sector, employees are employed on collective agreement terms, with the exception of those who are considered civil servants. Civil servants are subject to the Danish Civil Service Act,[99] which stipulates that pay and working conditions are determined by way of agreement between the Danish Minister of Finance and the central organisations. If the parties do not agree to conclude such an agreement, wages and working conditions shall be determined by law. In this lies the assumption that civil servants do not have the right to strike. This absolute strike ban was criticised by the ILO expert committee in connection with a complaint in 1999.[100] As a result of this, the Danish Ministry of Finance, which lays down guidelines for when the various forms of employment are to be used, decided to limit access to the use of the civil servant form of employment. Since 2001, it has only been possible to use this form of employment for managers and for a narrow group of employees within the judicial, police, prison, and military sectors.[101]

The main agreements in both the private and public sectors contain requirements for the adoption and notification of a labour dispute. According to the main agreement between the DA and LO, industrial action must be approved by a competent body with a three-quarters majority in order to be legal. Furthermore, the other party must be notified of the industrial action.[102] In the DA's and LO's areas, double notification is required, as the dispute must be notified at least 14 days before and again seven days before initiation. The first notice must state the extent of the dispute, and the second must be kept within this framework. If the association wishes to go beyond the set framework, a new initial notice must be sent. In the public sector, normally only one notice is required, but the notice period is usually longer at four weeks. The parties are obliged to send copies of notices of work stoppages to the Danish Mediation Institute. In practice, mediation has often already begun at the time the notice is submitted.

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[97] Kristiansen (2014), page 457.

[98] NOU 2001: 14 page 69, citing Jacobsen (1987).

[99] Act of 18 June 1969 no. 291 on civil service (Civil Service Act)

[100] CFA case no. 1950.

[101] Kristiansen (2014), page 82.

[102] The notification rules vary for the different collective agreement areas.

Disputes related to the revision of collective agreements[103] are subject to compulsory mediation under the auspices of the Danish Mediation Institute. The Danish Mediation Act[104] states that the Danish Minister for Employment, upon the proposal of the Danish Labour Court, is to appoint three mediators and one deputy mediator. In practice, LO and the DA have had a decisive role in the appointment of mediators. The three mediators themselves choose who will be chair and lead the Danish Mediation Institute.

The mediators can postpone the initiation of industrial action by two weeks. In cases where the notified industrial action is considered to affect vital societal functions or is otherwise considered to be of far-reaching societal significance, it can be postponed for a further two weeks. In practice, this process is used regularly. Furthermore, the mediator can decide to postpone notified disputes in connection with the submission of mediation proposals. A postponed work stoppage is not initiated immediately upon the end of the aforementioned postponements but can be initiated no earlier than the fifth day after the end of the "period of postponement".

The mediator can put forward mediation proposals and demand that these be voted on. When the vote takes place by way of a ballot among the members on the employee side,[105] a simple majority is required to vote down a proposal. However, this is only sufficient if at least 40 percent of those entitled to vote have voted. If the turnout is lower, a simple majority against the proposal among at least 25 percent of those entitled to vote is required. On the employer side, the vote takes place according to the statutory voting procedures, normally with a simple majority in a competent assembly.

The mediator can decide to combine mediation proposals with the outcome that the proposals must be voted on as a whole. The stricter requirements for a ballot among the members then apply to the combined proposal as a whole. In such cases, there is a joint solution for the entire interconnected sector. In practice, this means that an organisation may have to accept a mediation proposal even if a clear majority of its members have voted the proposal down. Conversely, an organisation can enter a dispute, even if a majority of its members have voted for the proposal, because a combined majority has voted against.

The right to interconnection is rarely used in the public sector but plays a decisive role in the sectors of the DA and LO. Here, the parties of the collective agreement will normally assume

[103] Disputes about the establishment of a collective agreement are not subject to compulsory mediation. The limits for the labour dispute set in such cases will ultimately be determined by the Danish Labour Court.

[104] Act of 18 January 1934 no. 5 on mediation in labour disputes (Mediation Act)

[105] The trade unions can also choose for the vote to take place in a competent assembly, but this happens extremely rarely.

that any negotiated solution concluded outside or as part of the mediation must be included in an overall mediation proposal for the DA's entire sector. In practice, an interconnected mediation proposal for the DA's entire sector will include all three groups: 1) the parties that have negotiated a solution themselves, 2) the parties that have concluded a settlement in the Danish Mediation Institute, and 3) the parties that have not been able to reach an agreement and for which the mediator is therefore making a mediation proposal.

The Mediation Act also allows for an interconnection of mediation proposals across the traditional main organisations. Normally, certain external collective agreements are also revoked on the grounds that they are connected to one of the parties. However, a condition for linking the mediation proposal with others is that the negotiation options in the sector in question are considered to have been exhausted. The condition was included in the law in 1997 after Denmark received criticism from the ILO in connection with several complaints for the practice of interconnection. Despite the change, the Danish practice of interconnection was not considered to be in accordance with ILO convention no. 87 and no. 98 when dealing with a complaint related to the interconnected mediation proposal in the private sector in 1998.[106] Legal theory has assumed that the practice of interconnection could also, in some cases, constitute a breach of the right to conduct collective negotiations under article 11 of the ECHR.[107] However, this has not resulted in a change to the law or current practice.

In practice, it is up to the parties to assess how the labour dispute should be structured. As a clear general rule, neither the main agreements nor the collective agreements contain requirements for emergency preparedness or other minimum services during a dispute. The general starting point is that the parties may conclude specific agreements on the continuation of essential work during the dispute, and it is consequently up to the parties themselves to decide whether and to what extent this is necessary.

2.7.2.4 Intervention

As in Norway, it is practice in Denmark for the authorities to intervene to stop industrial action by law. In such cases, intervention is in the form of a special act passed by way of a rapid legislative process.[108]

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[106] CFA case no. 1971.

[107] Cf. Kristiansen (2014), page 504.

[108] A legal intervention is normally adopted within a couple of days.

During a dispute of societal importance, the relevant ministries will monitor the dispute closely and make regular assessments of its consequences. The consequences of the dispute combined with an assessment of the prospects for the parties to reach an agreement will form part of any decision to end the dispute by legal intervention.

The Folketing has no strict practice with regard to where and when intervention is made or under what conditions intervention takes place. In essence, the assessments are based on a balance of political interests in the individual case, which can vary depending on who is in government and has a majority in the Folketing.[109] There is, however, broad agreement in Denmark that the parties should not know in advance if and when the Folketing will intervene and the design of any intervention. The rationale for this is an assumption that this could affect the negotiations and impair the parties' interest in reaching an amicable solution.

A legal intervention in a labour dispute aims to introduce a duty of peace for the parties (stop the dispute) and to determine the conditions for the renewal of the collective agreement. The clear foundation is that the law upholds a rejected mediation proposal from the Danish Mediation Institute. However, it is not unheard of for the Folketing to uphold a mediation proposal, but also to make certain changes to the proposal. On certain occasions, the law has also stipulated that the new collective agreement be determined by a designated negotiation body.

Legal intervention in labour disputes occurs less frequently in Denmark than in Norway. The Stabel committee assumed that this was related to the differences in the negotiation structure in the public sector and to the design of the mediation institute.[110]

Danish legal interventions have, on several occasions, been criticised by the ILO in connection with specific complaints without this seeming to have had any particular influence on intervention practice.

2.7.3 Finland

2.7.3.1 General

The labour market model in Finland is influenced by the fact that the business sector is sensitive to economic cycles, which has led to little by way of continuity and many

[109] Kristiansen (2014), page 505.

[110] Cf. NOU 2001: 14, page 71.

reforms.[111] Like the other Nordic countries, the degree of organisation is high on both the employer and employee sides. The autonomy of social partners is strong, even if there is a greater degree of authority involvement than in Sweden, for example. Finland has no statutory minimum wage, but there are arrangements for the generalisation of collective agreements such as we also find in Norway.

Employment law is regulated through an interaction between legislation and collective agreement regulation. The legislation has many examples of semi-dispositive provisions, i.e., provisions where exceptions are permitted through a collective agreement.

The right to initiate industrial action is protected by international instruments to which Finland has acceded, and is further enshrined in the constitution, cf. § 13.1 of the Finnish Constitution, unless otherwise follows by law or agreement. The most important limitation lies in the duty of peace that follows from the social partners being bound by a collective agreement.[112] The more detailed legal framework for wage negotiations and industrial action can be found in the Finnish Collective Agreements Act[113] and the Act on Mediation in Labour Disputes.[114] For civil servants, there are separate rules in the civil servant collective agreement laws for the state[115] and municipal[116] sector.

2.7.3.2 System of negotiation

The system of negotiation in Finland was previously governed by a state income policy, where the central parties negotiated a package of agreements in consultation with the authorities that set the framework for wages, taxes, and social policy. This was not a collective agreement in the legal sense but was nevertheless a guide for the content of sectoral and union agreements. Beyond the 2000s, this has changed in the direction of a more decentralised right for decision-making in collective agreements, with greater scope for agreements to be concluded at a local level.[117]

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[111] In 2023, the government of Finland launched several labour market reforms, including legislative proposals relating to industrial peace and the use of sympathy actions and political strikes.

[112] Bruun (2022), p. 72.

[113] Act 436/1946.

[114] Act 420/1962.

[115] Act 664/1970.

[116] Act 669/1970.

[117] Bruun (2022), p. 11.

The employee side in Finland is organised into three main organisations: the Central Organisation of Finnish Trade Unions (SAK), Akava (Confederation of Unions for Professional and Managerial Staff in Finland),[118] and the Finnish Confederation of Professionals (STTK). On the employer side, the Confederation of Finnish Industries (EK) is the central main organisation in the private sector, with 24 member associations. In the public sector, there are two contracting parties on the employer side: the Office for the Government as Employer (SAMV) in the state sector, and Local Government and County Employers (KT) in the municipal sector.

In the private sector, negotiations have taken place at three levels. The main organisations negotiate at the top level (central organisations, associations of nationwide organisations at sector level). At this level, so-called income policy agreements are concluded which deal with wages, agricultural policy, tax issues, and economic policy. In addition to the main organisations, interest organisations and the state can also participate here. The state's participation varies, and in those cases where the state does not have a formal role as a contracting party, so-called framework agreements are concluded. These are agreements that form the framework for the confederated agreements. Traditional income policy agreements were common between 1968 and 2016. However, the employer side has advocated decentralisation and has wanted to abandon this arrangement of such agreements. In the wake of the Competitiveness Pact[119] which was concluded in 2016 (the "Kiky Agreement"), EK changed its statutes so that the organisation can no longer conclude agreements at a central level.[120]

The second level is the confederation level, where the confederations, i.e., the sectoral organisations, conclude collective agreements on wages and general conditions (so-called confederation agreements). As a result of the trend toward the decentralisation of negotiations, the confederation level now plays an increasingly important role. There is nevertheless a certain degree of co-ordination of the various unions' collective agreement negotiations on both the employer and the employee side.[121]

The third level is the business level. Such local agreements may be concluded between a confederation or an association and an employer that is not a member of an employer organisation. They may also be agreements concluded as an extension of a confederation

[118] Akava primarily organises long-term graduates (academics).

[119] 2016 Competitiveness Pact for Finland.

[120] Bruun (2022), p. 158.

[121] Bruun (2022), p. 159.

agreement, such as when a confederation agreement leaves certain issues to be decided at the local level. The latter has become increasingly common.[122]

2.7.3.3 Regulation of labour disputes

Labour disputes are further regulated in the Collective Agreement Act and the Mediation Act. For civil servants, there are separate rules in the civil servant collective agreement laws for the state and municipal sector. The basis is that the social partners have the right to resort to industrial action, but this right is limited by the rules on the duty of peace.

On the employee side, it is usually only employee organisations that can decide to initiate industrial action. But workers in a workplace are not prohibited from taking action. Case law shows, however, that the right to labour dispute primarily protects methods of industrial action initiated by an employee organisation, and that industrial action initiated by individuals or groups does not enjoy the same protection.[123]

Under Finnish law, it is possible for social partners to use a number of different means of industrial action. In the same way as in Swedish law, there are no rules in Finnish law to imply an end to or suspension of the employment relationship when industrial action is initiated. This means there is greater scope for industrial action that leads to partial work stoppages, where employees refuse to carry out certain tasks, or stop working for certain periods.

The term "industrial action" itself is not defined in the legislation. This usually involves collective measures linked to the performance of work. Typical examples are strikes (including refusal to perform partial/certain tasks and rolling strikes), reduced work pace (so-called masking), mass resignation, refusal of orders, refusal of overtime, employment blockades, general blockades and, on the employer side, lockouts. According to case law, calling for a purchase boycott can also be considered industrial action even if it is not directly linked to the performance of work.[124]

If the negotiations do not progress and the parties wish to initiate industrial action, there is a notification requirement under the Collective Agreement Act. The employer organisation, employer, or employee organisation that is considering initiating a work stoppage (or extending an already initiated stoppage) has a duty to notify both the other party and the National Conciliator's Office in writing no fewer than 14 working days in advance. The

[122] Bruun (2022), pp. 159-160.

[123] Bruun (2022), p. 172.

[124] Bruun (2022), p. 175.

purpose is to give the conciliator the opportunity to mediate and possibly resolve the dispute without industrial action.

There is no unconditional demand for mediation before industrial action is initiated. However, where a planned work stoppage (or extension of the same) is deemed to affect socially critical functions ("the vital functions of society") or, depending on the circumstances, may damage a public interest, the responsible ministry[125] may, at the request of the arbitrator, order the party/parties to postpone the planned work stoppage for up to 14 days. The purpose is to ensure sufficient time to mediate with a view to resolving the dispute. According to the Mediation Act, the parties have a duty to participate and contribute to mediation led by the conciliator.[126]

In the public sector, there are special rules for initiating labour disputes, which can limit which forms of industrial action can be used. Civil servants who are covered by the civil servant collective agreement laws for the state and municipal sectors have limited scope for initiating a labour dispute. Under this legislation, only strikes/lockouts are permitted. Moreover, civil servants cannot adopt political strikes or sympathy strikes.[127]

In essence, it is up to the parties to assess how the labour dispute should be structured. In Finland, however, there is special legislation for the public sector on societally damaging disputes. It follows from the law on state civil servant collective agreements §§ 12 et seq. and the law on municipal civil servant collective agreements §§ 13 et seq. that notified or ongoing industrial action must be dealt with in a separate board if its impact is believed to seriously disrupt important societal functions. Although the board can request that the parties refrain from any societally damaging industrial action, the decisions are not binding on the parties.[128]

2.7.3.4 Intervention

In Finland, there are examples where the state has found it necessary to intervene by way of legislation during ongoing disputes in the health sector in order to safeguard patient safety. In 2007, the government put forward a proposal for such a law in connection with a

[125] Ministry of Economic Affairs and Employment of Finland.

[126] Bruun (2022), pp. 199-200.

[127] Bruun (2022), p. 187.

[128] Alsos (2010), p. 148.

strike in the municipal social and health services sector, which included close to 13,000 employees. The proposal resulted in a temporary law to secure critical functions by way of mandatory minimum staffing, i.e., a form of order. The law was never tried in practice because the parties of the dispute reached an agreement shortly thereafter.[129] In 2022, the Finnish parliament adopted a similar temporary law on safeguarding critical healthcare services in connection with a strike among nurses and healthcare workers. The law was valid for six months, and provided the authority to order employees to perform certain tasks.

Beyond this, there is no tradition in Finland for the state to intervene with legislation to end industrial action.[130]

3 Compulsory arbitration

3.1 Historical background

Compulsory arbitration to resolve labour disputes has a long history in Norway. When strikes and lockouts were eventually formalised legally, the social partners looked for other ways to resolve disputes. The issue was raised at the Scandinavian labour congresses held at the end of the 19th century, where representatives of the trade union movement and the political labour movement in Scandinavia discussed the use of arbitration. In both 1886 and 1888, the congress gave its support to the establishment of arbitration courts which could resolve labour disputes, and which could be composed of representatives chosen by the trade unions and employer organisations.[131]

After the Norwegian Confederation of Trade Unions (LO) and the Norwegian Employers' Confederation (NAF) were founded, the two organisations joined forces in 1902 and drew up an agreement on the use of arbitration in legal disputes, i.e. disputes about the validity, understanding, or existence of a collective agreement.[132] This form of dispute resolution was quick and simple, and meant that the social partners were independent of the public legal system. Although the agreement itself was short-lived, agreements on arbitration in legal

[129] Alsos (2010), p. 149.

[130] NOU 2001: 14 p. 80.

[131] Alsos & Seip (2013), page 39 et seq.

[132] Andersen (1965), page 60 et seq.

disputes were continued in the individual collective agreements, and the agreement on arbitration courts from 1902 came to form a pattern for later legislation.[133]

One problem with the arbitration decisions was that they could not be enforced. There were no powerful sanctions for a breach of a collective agreement or an arbitration decision on collective bargaining matters. This problem was largely resolved when the Labour Disputes Act was passed in 1915, and the following year the Labour Court of Norway was established as a court that could issue judgements on legal disputes between labour market organisations.

Many believed that arbitration also had to be used in disputes of interest. Disputes of interest over wages and working conditions led to major labour disputes involving thousands of workers. In 1911, more than a million working days were lost in strikes and lockouts. As part of work on the Labour Disputes Act, the Liberal government had advocated that the government should also be able to bring disputes of interest to arbitration. However, the proposal was put aside because both LO and NAF were strongly against such legislation. In 1916, the Storting nevertheless passed a temporary law on compulsory arbitration in disputes of interest. The First World War had created shortages of goods, inflation, and economic uncertainty, with the threat of a major dispute related to wage setting. The Liberal government, which put forward the proposal, believed that a labour dispute would put "significant societal interests at risk".[134] New arbitration laws were passed in 1919, 1920, and 1921, the latter with support from the Labour Party at the request of LO. There was a drop in prices in the economy, and employers pushed to reduce wages. LO hoped an arbitration decision would help to limit the fall in wages. From 1923, LO returned to its original position, and the bill on the use of compulsory arbitration was voted down in the Storting.

With the amendments to the Labour Disputes Act in 1927, a temporary provision was again introduced which gave the government the opportunity to use compulsory arbitration in disputes which put societal interests at substantial risk. After NAF asked the government to intervene, the provision was used as part of collective bargaining that same year.[135] When the government intervened with arbitration again in 1928, construction workers and graphic artists went on an illegal strike in protest against the arbitration verdict. The strike continued until LO and NAF began negotiations to appeal the arbitration verdict. The strike action demonstrated that it was difficult to use the arbitration institute without some acceptance or support from the parties, and the government was reluctant to use it. Compulsory arbitration was used in a dispute in Vinmonopolet in 1933, and again, this time by the

[133] Evju (2007), page 507 et seq.

[134] Proposition to the Odelsting no. 44 (1916), page 5.

[135] Stokke (1997), page 97.

Labour Party government, in 1938 and 1939, in disputes in loading and unloading work in Northern Norway, and some other smaller collective bargaining sectors.[136]

Questions about the use of compulsory arbitration were raised again by the exiled government in London during the Second World War. Due to a shortage of goods, widespread post-war inflation was expected, and the government's aim was to prevent inflation by controlling prices and wages. Following a proposal by Finn Dahl of the Norwegian Employers' Confederation and Konrad Nordahl of the Norwegian Confederation of Trade Unions (LO), the government decided to centralise wage negotiations and give the Ministry of Social Affairs the opportunity to ban strikes or lockouts.[137] Nordahl thought the word arbitration had a bad connotation, and together with Finn Dahl he proposed that "wage arbitration" should determine the outcome of the dispute if the government intervened. The government followed Dahl and Nordal's proposal, and from 1945 until 1949 the use of industrial action was, in practice, subject to the authorities' control through temporary wage arbitration laws. After 1949, LO and NAF were no longer subject to the permanent wage arbitration scheme, and the organisations worked with the authorities on the settlements.

While arbitration proceedings in the interwar period were primarily intended to stop major disputes, the new wage arbitration system after the war became a tool for keeping the smaller, independent unions under control.[138] The co-ordination of wage setting and the interaction with the government in the initial post-war years led LO and NAF into a close tripartite collaboration with the government. The aim was controlled wage growth and industrial peace. In this collaboration, wage arbitration was actively used as a means of action, particularly in respect of smaller organisations. This use of compulsory arbitration was criticized. Nils Lavik of the Christian People's Party thought it was "unworthy [...] in a democratic society" with one rule for the big and another for the small.[139]

This criticism eventually led to the government asking the Labour Disputes Committee, chaired by Paal Berg, to investigate the issue. The committee put forward a proposal in 1952 to establish a permanent wage arbitration scheme that the social partner could use voluntarily. LO supported the proposal, while NAF opposed the creation of a permanent scheme. The reasons given by employers were complex. It was important that the parties knew that rejecting a mediation proposal would lead to industrial action. NAF believed it

[136] Stokke (1997), page 99.

[137] Alsos, Seip & Nygaard (2016), page 224.

[138] Stokke (1997), page 388.

[139] Lavik (1949), page 59.

would be costly to reject a proposal. There was also reason to believe that the parties would become less willing to meet the other party if they knew that a board was ready to issue a judgement in the case, because concessions in the negotiations could give a less favourable result from an arbitration process. A third argument against a permanent arbitration scheme, according to NAF, was that it was important that the parties had an active role in the wage setting process, and not just leave it passively to a third party.[140] However, the government followed the proposal of the majority in the Labour Disputes Committee, which also had LO's support, and proposed a voluntary arbitration scheme.

The act on wage arbitration in labour disputes was passed in the autumn of 1952 and came into effect from 1953. With it, the National Wage Board was established with a chairperson and six other members. The chair and four members were to be appointed by the King for three years at a time, of which one member was to represent employee interests and one employer interests. In addition, each of the parties of the dispute that had been lodged was to appoint one member each. Use of the National Wage Board was supposed to be voluntary, and the ministry expressed its hope that wage arbitration could be used as an alternative to industrial action.[141]

In the years that followed, wage arbitration was used extensively, but not as a voluntary scheme. Instead, the National Wage Board was used to resolve disputes where the government intervened ad hoc and stopped the labour dispute. Between 1953 and 1980, the government intervened and imposed compulsory arbitration in more than 60 labour disputes.[142] One characteristic of these interventions is that those which most often came before industrial action were implemented. These interventions came in sectors or collective bargaining areas that would not conform with the co-ordinated wage setting that the authorities and the main organisations tried to achieve. Furthermore, state intervention by way of compulsory arbitration was used to resolve disputes between LO and NAF when, for various reasons, they could not agree.

From the late 1960s, many of the organisations that organised public-sector employees began to announce strikes, and a number of these strikes were stopped before they had started. In disputes that affected health services, consideration for the patients became a justification for intervening, and eventually the Norwegian Board of Health Supervision

[140] Alsos, Seip & Nygaard (2016), page 265.

[141] Proposition to the Odelsting no. 63 (1952), page 15.

[142] See the overview on the National Wage Board's website (https://www.nemndene.no/rikslonnsnemnda/kjennelser/?query-vedtak=)

(NBHS) was drawn in to assess the consequences of a notified or initiated strike when this could affect health services.

When the Conservative Party came into government in 1981, they introduced a new principle for intervention by way of compulsory arbitration. The background was that the preceding Labour Party government had been criticised the previous year for being inconsistent in its intervention. In addition, the Conservative government believed that intervention by way of compulsory arbitration before industrial action had started could have a negative impact on the negotiation and mediation process. It therefore signalled to the social partners that the government would not intervene to prevent legal industrial action. The principle, which has been named the "Rettedal doctrine", consisted of the government not intervening to prevent industrial action from breaking out, but allowing the industrial action to run so that the social partners would have to take greater responsibility for the consequences if the negotiations did not lead to progress.[143] The idea was that legal industrial action should be allowed to run until it became necessary to stop it due to the consequences.

The introduction of a new intervention practice had several consequences. Firstly, it became important for the authorities to justify intervention by demonstrating the actual consequences of the industrial action. This in turn led the NBHS to assume a greater role in the work to assess the consequences of strikes and lockouts.[144] Public-sector employee organisations began to limit strike action in order to be able to carry out strikes over a longer period of time without affecting activities that put life and health at risk. For the same reason, exemptions were adopted, in particular in the health care system, but also in other sectors. Although the changed practice of intervention did not necessarily lead to fewer state interventions, intervention did not come about before the industrial action had been initiated. This made both the threat of industrial action and the right to strike more real.

The use of arbitration has had several functions throughout the 20th century. From 1916 until 1929, the main idea behind the compulsory arbitration laws was to prevent major destructive labour disputes. The Liberal Party also saw the use of arbitration in disputes of interest as a complete alternative to industrial action, in that wages and working conditions were decided by way of a judgement rather than through open industrial action. After the Second World War, compulsory arbitration was established with the support of LO and NAF as a means to manage and co-ordinate wage setting. This co-ordination was to prevent inflation and possible unemployment during Norway's development. After the post-war laws on compulsory arbitration were abolished in 1952, compulsory arbitration was used by way

[143] Stokke (1997), page 280 et seq.

[144] Seip og Stokke (2002), page 31 et seq.

of ad hoc intervention by the authorities until 1980 in order to maintain control over collective bargaining areas that broke loose from co-ordination, or to resolve disputes between LO and NAF. The authorities also increasingly intervened to protect lives and societal values. From 1980, consideration of life and health and the protection of societal values took over as the central justification for intervention by the authorities, while a side motive could be to put an end to deadlocked disputes and to keep control of the co-ordination.

3.2 Use of compulsory arbitration since 2000

From 2000 until 2023, the National Wage Board has issued around 40 rulings. In some cases, the board chooses to combine the processing of several disputes in one ruling, while in other cases it chooses to process the disputes separately, even if several employee organisations have been involved in the same dispute. If we want to count the number of labour disputes, we can estimate that 33 labour disputes that have been stopped by the authorities during this period. The use of compulsory arbitration has remained fairly stable over time, although the number of cases of intervention can vary from year to year.

A review of the labour disputes shows that we find state intervention in industrial action in several sectors.[145] The vast majority of cases of intervention in the period after 2000 can be found in sectors that provide health services. When the authorities intervened in labour disputes in the municipal sector and in the municipality of Oslo in 2000, both were related to health services. After the health reform in 2002, there have been five cases of intervention in industrial action in the health institutions. Labour disputes in private health and care companies and ambulance services can also be counted as health services. If we look at this collectively, 13 of the labour disputes that have been stopped with government intervention in the period from 2000 to 2023 have been within the health services.

The oil sector is another sector where the authorities have intervened in labour disputes several times. OFS and Lederne were involved in labour disputes in 2000, 2004, and 2012 (SAFE), and the Norwegian Union of Managers and Executives (Lederne) again in 2022, while Industri Energi was involved in the dispute in 2012. Intervention has come in respect of both the continental shelf, where OLF/Norsk Olje og Gass have agreements, and the Norwegian Shipowners' Association's agreements for mobile rigs.

A third sector where compulsory arbitration has been used several times is aviation. In part, intervention in this sector has been related to health services because the industrial action has affected ambulance aircraft and rescue crews connected to air ambulance services. In

[145] Seip (2013) and Alsos et al. (2023).

the period from 2000 to 2023, there were five cases of intervention in industrial action in aviation.

In the municipal sector, the authorities have intervened in several strikes as a result of the risks posed to health services provided by the municipalities, but also linked to other services. The authorities stopped the strike in the area of the Norwegian Association of Local and Regional Authorities (KS) in 2021 due to the risk of fire in a recycling plant, and in 2022 a strike among teachers in the municipal sector was stopped. Other sectors where the authorities have intervened between 2000 and 2023 include a dispute in the financial sector, in the state collective bargaining area, and in various businesses in the private sector.[146]

Lockouts have been used in ten of the disputes that have been stopped by the authorities. In these disputes, employers have used a passive lockout, i.e., a lockout used in response to a strike notice. Lockouts were announced in all the strikes in the oil sector, except during Lederne's strike in 2022. In the strike in the financial sector in 2006, employers announced a lockout on the grounds that the strike created a situation with a strong distortion of competition. Lockouts have also been announced in a dispute in private nursing and care operations in 2018, and in the strike of aviation technicians in 2022. In most of the disputes where notice of a lockout has been issued, the notification has helped to create a situation where the authorities have felt compelled to intervene.

There are a number of employee organisations that have been involved in the labour disputes that have been stopped. Naturally enough, there are often organisations with members in the sectors where the interventions have been most frequent. The Norwegian Union of Municipal and General Employees (NUMGE), including Norsk helse- og sosialforbund, and Oljearbeidernes Fellessammenslutning/SAFE, have been involved in four strikes. A number of organisations or associations have been involved in three labour disputes, including Akademikerne, Norwegian Medical Association (NMA), Lederne, Cockpit Association of Norway, and the Norwegian Nurses Organisation. Several of the associations have also been involved in strikes as members of a main organisation.

The most common justification used by the authorities for intervening and stopping industrial action is concerns regarding a risk to life and health. This is the rationale that is least disputed. In all the instances of intervention that have taken place in the health sector, it has been the consideration of life and health that has been the reason for the authorities' intervention. But also in other sectors, intervention can be justified in relation to life and health. This applies, for example, to labour disputes in aviation, where the knock-on consequences of a strike or lockout affect other businesses in such a way that life and health can be put at risk and therefore also justify intervention. An example of this is the

[146] For a more detailed review of the intervention, see Seip (2013) and Alsos et al. (2023).

strike in laundry and dry-cleaning businesses in 2014. Over time, a lack of clean bed linen and other equipment will pose an increased risk to health in hospitals.

Intervention in labour disputes in the oil sector is not justified on the grounds of life and health, but on the grounds that vital societal interests may be at risk. The underlying consideration for intervention in the oil sector is the importance for the Norwegian economy, and the authority has argued that Norway's international reputation as a reliable oil and gas supplier could be undermined.[147] In the intervention in the strike on the Norwegian continental shelf in 2022, in their reasoning, the authorities referred to the war in Ukraine and the strained energy situation in Europe.[148] This was the first time in the proposition that the ministry referred to the Ministry of Foreign Affairs' reports on the consequences of a labour dispute.

Along with a primary justification for intervention, the authorities sometimes give an additional justification for intervening. In several disputes in the period 2000 to 2023, there has been disagreement over the use of exemptions from the industrial action. This can worsen the situation in some disputes, and the authorities have, in some cases, referred to the parties' handling of exemptions in their justification for intervening by way of compulsory arbitration.[149]

Another factor that has justified intervention has been that the dispute has been deadlocked. This can be an independent justification in industrial action where strikes and lockouts have been ongoing for some time, such as in the lift dispute which lasted for more than a hundred days in 2004 and 2005.[150] When they intervene, however, it seems to have become common for the authorities to cite that the dispute is deadlocked. The use of such an expression is more of an acknowledgment that the parties do not want or are unable to reach an agreement, rather than that being an independent justification for intervention.

The need to justify intervention has led to the NBHS taking on a central role in monitoring the consequences of labour disputes, particularly within the health and care services sector. The NBHS's primary responsibility is to ensure that these services meet the population's needs, also during labour disputes; see point 7.2.3. When a labour dispute poses a risk to life and health, the NBHS reports to the Ministry of Labour and Social Inclusion via the Ministry of Health and Care Services; see point 7.2.2.

[147] Seip (2013), page 48.

[148] The National Wage Board's ruling in case 1/2022.

[149] The National Wage Board's ruling in case 6/2012.

[150] Proposition to the Odelsting no. 45 (2004–2005), page 4.

From 2002, the NBHS adopted a more active role in its supervisory work during labour disputes, such as by contacting the parties in advance of announced industrial action, and by encouraging the use of exemptions as a means of maintaining the appropriate operation of the health services during a strike. This proactive role proved difficult to maintain without deepening the dispute in the strikes, and from 2012 the NBHS changed its strategy by taking a more of an observer role in labour disputes and directing its attention to its supervisory tasks.[151] This means that the NBHS does not currently make direct contact with the parties prior to a dispute, but seeks to maintain its professional legitimacy by avoiding ambiguity about its role; see more under point 7.2.3.2. The NBHS's reports, which form the basis for the ministry's decision to use compulsory arbitration, are made public after the end of the dispute. This makes it possible to retrospectively review the NBHS's assessments and to discuss its work and the intervention that took place.

Norwegian employee organisations have, on several occasions, complained to the ILO about interference in strikes. In the period 2000 to 2023, the ILO has received complaints relating to Norway six times. The background to the complaints and the ILO's assessments are provided in more detail in point 2.6.1.

From 2000 to 2020, the use of compulsory arbitration was seldom criticised in the Storting. In 2021, however, the government intervened in two parallel strikes in child welfare institutions. The trade union believed that its strike was stopped without reason and, in this context, pointed to the fact that it was YS's strike action that posed a danger to life and health. This intervention led to a debate in the Storting when the proposition on compulsory arbitration was to be considered. The Labour Party and Socialist Left put forward proposals in which they asked the government to reassess the basis for the intervention.[152] During the vote, the Labour Party, Socialist Left, the Red Party, and the Green Party chose to vote against the government's proposition.

[151] Alsos et al. (2023), page 28.

[152] Recommendation 274 L (2020-2021), page 2.

3.3 Previous reports

3.3.1 NOU 1996:14

Commissioned by the then Ministry of Local Government and Employment, the Employment Rights Council[153] assessed the principles for labour dispute legislation, cf. NOU 1996: 14 *Principles for the new Labour Disputes Act.* In connection with this, Norway's practice of using compulsory arbitration was reviewed and assessed.

Citing the ILO's recurrent criticism in Norwegian appeals cases,[154] the Employment Rights Council expressed that the relationship with international law called for a reassessment of labour dispute legislation. They stated that it was "(...) highly desirable to reach a situation where wage setting is carried out without the use of compulsory arbitration. The Employment Rights Council assumes that the authorities cannot do without using compulsory arbitration. However, the use of this instrument should be limited to extraordinary cases and, in any case, be kept within the ILO's conventions."[155]

In order to reduce the use of compulsory arbitration and bring Norwegian practice into line with ILO rules, the Employment Rights Council proposed the following changes:

- Decisive formal positions in the collective agreement system of the main labour market organisations.
- Proposal that collective agreements concluded by the main organisations on the employee side must be non-derogable for individual employee organisations.
- Collective vote within the individual main association in the municipal sector.

3.3.2 NOU 2001:14

The recommendation from the committee for the collective bargaining system (NOU 2001: 14 Vårens vakreste eventyr. . .?), the so-called Stabel committee, was the last major review of the issues the working group has considered. The committee was set up following claims from several quarters that a renewal of the negotiation system and changes to the institutional framework around wage negotiations were needed, as well as a recognition that

[153] The Employment Rights Council was previously an advisory body for the Ministry of Local Government and Employment in all matters related to labour dispute legislation and organisational relationships. The council served from 1960 to 1999.

[154] See more about the Employment Rights Council's summary of complaints under point 2.6.1.

[155] NOU 1996: 14, point 5.6.

there was a need for better knowledge of the negotiation system in order to be able to take a position on whether such changes should be made.

The committee was party representative and given a broad mandate: "The committee shall first conduct a broad analysis of how the current negotiation scheme and framework work in practice. The committee was to look at the entire area, including the private, municipal, and state sectors. The aim was to uncover weak and strong aspects of both the framework and the negotiation scheme. The presence of a common perception among the organisations about how the system works will provide a good basis for assessing the need for changes. If the analysis reveals weaknesses that, in the committee's view, should be followed up on, the committee must assess which changes to the framework and the negotiation scheme can remedy these, and devise proposals for the improvements that the committee deems appropriate."[156]

The committee was also asked to take a closer look at which proposals from the Employment Rights Council (NOU 1996: 14) would be suitable for resolving any problems that are uncovered.

The Stabel committee looked at a wider set of issues than compulsory arbitration. In chapter 8 of the recommendation, the committee went through the mediation scheme. The mediation scheme was assessed as satisfactory, and important for improving the likelihood of a peaceful outcome. Only minor changes were proposed. In chapter 9, the committee looked at the use of industrial action and strikes as tools. Although the committee found that the extent of strikes in Norway is not particularly low, they saw no reason to propose changes to the current law in this area. The committee was of the opinion that "the organisations mainly try to both plan and conduct industrial action in a reassuring and balanced way."[157]

The committee also had a thorough review of the arbitration arrangements, including compulsory arbitration (Ch. 10)**.** The committee was of the opinion that "the use of compulsory arbitration contrary to what can be accepted in respect of life and health is unfortunate, both in terms of Norway's obligations under international law and in terms of the consequences its use may have for our negotiation system."[158] At the same time, it expressed that compulsory arbitration can be an important tool in a system like Norway's, and concluded on this basis that the key must be to devise measures that can reduce *the*

[156] The committee's mandate is reproduced on page 12 of NOU 2001: 14.

[157] NOU 2001: 14, page 137.

[158] NOU 2001: 14, page 143, point 10.1.5.

need for compulsory arbitration. Against this background, the committee considered a number of alternative measures.

First, the committee looked at the Employment Rights Council's proposals to reduce the use of compulsory arbitration but chose not to proceed with any of these. The committee then discussed other possible measures:

1. *Legislate criteria for the use of compulsory arbitration in line with the criteria for restrictions on the right to strike that are permitted according to ILO practice.*

The committee settled on not putting forward a proposal to legislate such criteria for compulsory arbitration in a general enabling act. It nevertheless expressed the view that such legislation could be reassessed if an unfortunate development is seen in the use of compulsory arbitration.

2. *Legislated or agreement-based advisory board with a mandate to assess whether an industrial action is harmful to society and make recommendations to postpone, limit, or stop such an industrial action.*

Although the committee did not propose anything in this regard either, it paved the way for a future investigation should the circumstances so warrant.

3. *Allow the authorities to stop parts of a strike.*

The committee found that a solution where the authorities can stop parts of a work stoppage that poses a risk to life and health, could lead to greater caution with regard to which groups were taken out on strike or lockout and a greater willingness to grant necessary exemptions. Despite this, it considered such a solution inappropriate, because it could lead to an unwanted fragmentation of the collective agreement system. Furthermore, the committee questioned the opportunities that exist for achieving something by way of a continued strike if several main associations have already reached an agreement with the employer(s).

4. *Enable other types of industrial action than a full strike.*

The committee was divided in its view of the need to enable alternative types of industrial action. The majority[159] was of the opinion that it was not desirable to further enable partial industrial action or "other means of action", and justified this on the grounds that such a change would upset the balance between the parties of a dispute and make the dispute situation more unclear. A minority consisting of the members from Akademikerne and AF believed that access to partial industrial action could make industrial action a more powerful tool in the public sector. In light of this, they recommended that Swedish rules for industrial action be considered in more detail during the further consideration of the committee's recommendation. The representative from YS also saw the need for a closer investigation of "other means of action".

5. Agreements or the legislating of a system with minimum services, possibly a better developed system for exemptions during an ongoing industrial action.

The committee saw no reason to propose any change to current practice by legislating a system of minimum services or exemptions during an ongoing industrial action. As justification for this, it pointed to the fact that such a system would be a breach of Norwegian tradition. Furthermore, it pointed out that it is the party that initiates the labour dispute that must have an overview of the effects and consequences of the dispute, and that responsibility should not be pushed onto either the party that will be affected by the strike or onto the authorities.

The National Wage Board was also reviewed by the Stabel committee. The committee proposed an increase in the number of members of the board from seven to nine, a proposal which was later followed up on.[160] Although the composition of the National Wage Board and the social partners' representation on the board were touched upon, a majority of the committee did not want to propose changes here.

Most recently, the committee devoted a lot of time to shuttle arbitration. The committee pointed out that shuttle arbitration is a new and unknown instrument in the Norwegian context, but that experiences from abroad indicate that shuttle arbitration can be an alternative to traditional or conventional arbitration. The committee further stated that "(...) the arbitration method should be included among the tools the parties currently have at their disposal when it comes to resolving disputes of interest. From a legal point of view,

[159] Committee leader Ingse Stabel and committee members Torgeir Aarvaag Stokke (neutral), Kjell Bjørndalen (LO), Morten Øye (LO), Lars Chr. Berge (NHO), Erik Bartnes (KS), Randulf Riderbo (HSH), Ingvild Elden (NAVO), and Randi Stensaker (AAD).

[160] Cf. Proposition to the Odelsting no. 46 (2001–2002) and Amendment Act of 28 June 2002 no. 58.

there is nothing obstructing agreeing to shuttle arbitration in, for example, local negotiations, special agreement negotiations in the public sector or, to that extent, general collective agreement revisions. In that context, the committee will encourage parties that are looking for new negotiation arrangements to also consider negotiation models where shuttle arbitration is included as an element."[161]

The committee believed that there was no basis for proposing to establish any public offer of shuttle arbitration. They nevertheless mooted the possibility of such a tool being investigated further if there were predominantly positive experiences with shuttle arbitration. In the wake of the Stabel committee, shuttle arbitration as a local dispute resolution method was introduced in some collective agreements, including in the municipal sector. There, shuttle arbitration was a possible form of dispute resolution both in HTA chapter 3 "General wage and position provisions" and chapter 5 "Local wage and position provisions". There were divided opinions about shuttle arbitration right from its introduction, and the scheme was little used. The academic organisations were initially the most positive about this new model, but their experiences contributed to a changed view.[162] The experiences where shuttle arbitration was used were that the employer's last offer was the solution.[163] Little is known about why or how it came to be this way. In the settlement in 2014, it was agreed that shuttle arbitration would be removed as a means of dispute resolution. Further development of shuttle arbitration as a form of dispute resolution has not been central to the debate since then.

4 Working during a dispute

4.1 Introduction

Part of the criticism against the Norwegian practice of compulsory arbitration is that the decision involves a total ban on further industrial action, with an order that all employees covered by the labour dispute must resume their work. Moreover, in connection with individual disputes, some trade unions have criticised the parties' failure to make use of the exemption scheme , and it has been expressed that the current exemption practice allows for a party to deliberately steer a dispute towards compulsory arbitration.[164] In this context, it has been advocated that in certain situations where industrial action poses a risk to life

[161] Cf. NOU 2001: 14, point 10.3.8.

[162] Seip (2008), pages 41 and 42.

[163] Sollund, Rødvei og Lien (2005), pages 128 and 129.

[164] See e.g., Recommendation 27 S (2022–2023).

and health or other serious societal consequences, these could have been prevented through agreements or other arrangements that could ensure that services are maintained at a minimum level.

The ILO Committee on Freedom of Association (CFA) has, on several occasions, requested that the Norwegian authorities engage in dialogue with the social partners regarding the establishment of minimum service agreements. A minimum service agreement can, for example, be concluded by the parties of a dispute before industrial action is initiated. According to ILO practice, it shall be up to the parties to decide the scope and content of the minimum service. In cases where the parties themselves do not succeed in agreeing on determination of minimum service and the minimum number of workers providing them, the CFA has stated that a minimum service can be imposed by an independent body.

An order on minimum services in an ongoing labour dispute would be an interference with the right to industrial action that requires clear legal authority.

Although minimum services was a topic in the Employment Rights Council's recommendation and the Stabel committee, no proposals were put forward for the introduction of legislation in this regard.[165] Since then, the topic has come up in various contexts. The social partners have expressed that the current system works mostly satisfactorily, and that no changes are desirable. They have further expressed that they already have the mechanisms needed to address the considerations justifying the possible establishment of minimum services and, in this regard, cited the possibility of concluding advance agreements and using the exemption scheme . Some have nevertheless pointed out that these mechanisms are not always used in a way that enables them to serve their intended purpose.

In several complaints to the ILO, most recently in Utdanningsforbundet's complaint about the intervention in the teachers' strike of 2022,[166] it has been stated that the authorities should have established minimum services rather than stop the industrial action by way of compulsory arbitration. This illustrates the need to resume discussions about the need for this type of arrangement.[167]

[165] NOU 1996:14 point 6.2 and NOU: 2001: 14, point 10.1.5.

[166] See CFA case no. 3450.

[167] See e.g., CFA case no. 2484, section 1096 and CFA case no. 2545, section 148.

4.2 Applicable law and practice

4.2.1 A few words about the term "minimum services"

Although the term "minimum services" has no legal definition, in the context of a strike it implies that the members taken out on strike cannot go beyond what is needed to maintain essential services so that the population's basic needs can be met to a certain extent. Correspondingly, the employer will be prevented from implementing a lockout for employees who have to perform such necessary duties during the labour dispute.

Mandatory minimum services will constitute an intrusion into the right to strike and must – in the same way as intervention by way of compulsory arbitration – be assessed against the legal framework for intrusion into the right to strike. On several occasions the ILO has advocated that the Norwegian authorities should investigate the possibilities for establishing minimum service arrangements as an alternative to intervention by way of compulsory arbitration. For a more detailed review of the ILO's requirements for minimum services and opinions in relation to Norwegian complaints, see points 2.5.4 and 2.6.1.

4.2.2 More about advance agreements

4.2.2.1 General

A majority of the main agreements contain provisions on regulation of work during a dispute. The main agreement between LO-NHO § 3-3 is a good illustration, and the first paragraph of the provision reads as follows: 'Where there is a need, the main organisations require that, well in advance of the expiry of the collective agreement, agreements are concluded at the individual company level or within the individual collective agreement area that regulates matters linked to the termination and resumption of operations in a way that is responsible from a technical and safety perspective, as well as work which is necessary to avert danger to life and health or significant material damage."

Corresponding provisions in the other main agreements have been prepared based on inspiration from the LO-NHO Main Agreement and the content is largely identical. Although none of the provisions use the term "advance agreements", it is clear from their content that the purpose of the regulation is to encourage local parties to enter into agreements well in advance of the outbreak of a dispute that ensure that operations can be terminated and resumed in a technically sound manner, without posing a risk to life and health or significant material damage as a result of the dispute.

An advance agreement on exceptions to industrial action authorised in the main agreements can include three types of situations:

1) Necessary work for a responsible running down of operations as a result of the industrial action, or preparations for the resumption of work after the industrial action has ended (run-down and resumption agreements).
2) Safety staffing/preparedness (oil platforms, ships, industrial protection, etc.).[168]
3) Other agreements on shielding during a dispute.

4.2.2.2 Run-down and resumption agreements

In many industries, responsible rundowns will require time. It will often be necessary to gradually shut down operations in order to prevent production equipment from being damaged. Correspondingly, there may be a need for a gradual resumption of operations after the end of the dispute before production can be fully started. In such cases, the parties can enter into agreements on run-down and resumption work.

4.2.2.3 Safety staffing agreements

There are a few examples of public law requirements for employers and employees to conclude agreements on staffing during a labour dispute.[169] The purpose of such regulation is to ensure the necessary monitoring and prevention of potentially dangerous situations when production is fully or partially shut down. Employees who should essentially have been covered by the industrial action, but who are defined as forming part of the safety staff group, must not perform production work. The employer is nevertheless obliged to pay wages equivalent to those paid for ordinary work. The employees to be included in the safety staff group are decided by the employer.

4.2.2.4 Other agreements on shielding during a dispute

Certain main agreements also allow for the conclusion of other agreements on the shielding of personnel.

In the area of the Norwegian Association of Local and Regional Authorities (KS), it is agreed in the Main Agreement, part A § 5-1-2 a), that the senior-most manager in the business shall not be covered by the notice of termination, and that the senior-most manager of the HR function shall not be covered as a general rule. Furthermore, there must be negotiations

[168] The contractual requirement can also follow from regulations; see the section on safety staffing.

[169] Regulation on health, environment, and safety in the petroleum industry and at certain on-shore facilities (FOR-2010-02-12-158), § 50.

to exempt other key persons or groups that are so that the interests of third parties are not unduly damaged.

In Spekter's main agreements, it is agreed that the parties conclude agreements that ensure that consideration is given to work that is necessary to avert danger to life and health, or significant material damage.

The main agreements between LO-Finance Norway and Finance Sector Union of Norway-Finance Norway have a provision on a so-called exemption list, which gives businesses the right to be able to designate named employees who shall not be covered by the notice of termination, cf. § 6-3. The selection must be necessary to prevent a permanent and major loss of value, and no consideration shall be given as to whether the employee placed on the list is a member of the Finance Sector Union of Norway or LO. In some cases, the exemption list is not sufficient. Within the financial sector, pre-agreements (advance exemptions) are used together with and in addition to the exemption list. This is the case in particular for businesses that are responsible for infrastructure in the financial system, including system-critical banks.

The provision specifies a lower and an upper limit for the number of employees to be included on the exemption list. While companies with more than 1,000 employees in permanent positions can demand that a number corresponding to 2% be included on the exemption list, even small businesses have the right to demand that at least one employee be exempted as long as the business has not appointed a deputy for the company's senior-most manager. Based on the selection, an exemption list is drawn up that contains the employees' names and job titles. There is a validity requirement that the selection must be approved by both the local employee representative and the individual employee who is on the list, cf. the Main Agreement between Finance Norway and the Finance Sector Union of Norway §§ 6-3 (2) and 6-3 (3).

The exemption list must be drawn up in good time before negotiations on the revision of a collective agreement start and preferably by 1 February, cf. § 6-3 (3). The parties adhere to the wording of the provision in the main agreement and there is a long tradition for exemption lists being drawn up well in advance of the start of the negotiations.

4.2.3 More about exemptions

4.2.3.1 General

There is no clear definition of the term "exemptions". Several main agreements allow the right to apply for exemptions without specifying the content of the term in more detail.

KS describes the term as follows: "An exemption is an opportunity for the employer to apply for named persons who have been called out on strike, and who, due to the risk posed to life and health or other vital considerations, must be present or be brought back to work."[170]

An exemption is a situation-based agreement between the employer (side) and the employee side to make an exception for a specific person or a specific duty that must be carried out during the labour dispute.[171] It is common for a business to submit an exemption application only after a notice of withdrawal has been issued, when the employer knows with certainty which employees will be included in any industrial action. In some cases, although the employer and local employee representatives will have a dialogue prior to an exemption application, formally it is the individual business that initiates the application, and the employee side makes an independent assessment of the employer's need for an exemption.

The main agreements in the state and in KS contain material conditions for exemptions. While KS's Main Agreement requires exemptions to be considered necessary to avert danger to life and health or other vital considerations, the state's main agreements allow for exemptions in so many situations that, in practice, there are few substantive barriers.[172] KS has prepared a strike booklet for its members (municipalities/county municipalities/companies) with detailed descriptions of exemptions, among other things. The booklet states that exemption applications will normally be processed before the strike starts or escalates. The need for new exemption applications during the dispute is also recognised.

In the private sector, there has been no tradition of contractually regulating which situations warrant an exemption nor any procedures for case processing. From recent years, however, we see examples from several collective bargaining sectors of agreements (protocols) being concluded regarding terms and procedures for exemption applications.[173] If an agreement is concluded regarding the processing of dispensation applications, this is usually completed before a breach of the mediation, and preferably before notice of withdrawal. Although such agreements are not always concluded, the processing of exemptions will then be done on the basis of the same criteria. The conditions for exemptions largely coincide with considerations justifying advance agreements, i.e. necessary work to avert danger to life, health, or significant material damage. The agreements on the conditions and procedures

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[170] Cf. KS booklet: *Streik – forholdsregler ved arbeidsnedleggelse og annen arbeidskamp*, (2022).

[171] In the NHO and KS area, exemptions are only applicable to people and not to individual duties.

[172] Cf. KS's main agreement Part A, § 5-1-2 (B) and the state's main agreements § 48 (3).

[173] See the protocols between LO-NHO of 12 April 2023 and YS-NHO of 14 April 2023 (Appendix 2).

for exemptions specify that they are to be used only in exceptional circumstances and in very special cases. In contrast to advance agreements, exemptions are intended to be a safety valve reserved for situations that the employees could not reasonably have foreseen at the time of the strike.

Agreements between the collective bargaining parties on conditions and procedures for exemptions formalise the exemption scheme in the individual dispute. In KS's area, it is the individual municipality/county municipality/business that decides whether an exemption is to be applied for and the application is submitted to the local strike committee. Although in other sectors it is still the business that assesses the need to apply for an exemption, it is the employer party in question that decides whether to apply for an exemption and forwards the application to the counterparty in the collective bargaining process. The employee organisation obtains an opinion from the union, which in turn bases its assessment on conversations with local employee representatives.[174]

Spekter has problematised the extent to which the health legislation's designation of the business as a subject of duty prevents the employer side from submitting exemption applications.[175] The working group's secretariat has approached the Ministry of Health and Care Services (MHCS) for clarification on the issue.[176] In its response letter, the MHCS states the following:

"(...) The ministry would like to emphasise that the health legislation does not seek to respond to special issues that may arise in connection with industrial action. The health legislation does not, however, prevent a health services institution or other business providing health and social care services from requesting an employee organisation for an exemption from an issued notice of termination binding its members or agreeing on other compensatory measures. However, the regulation does not give the business an obligation to request an exemption if proper operations can be achieved by other means (…)".

4.2.3.2 The NBHS's role in relation to the use of exemptions

The NBHS oversees the health and social care sector and has a particular responsibility for ensuring a reasonable minimum level of the health and social care services provided to the population. The role and function of the NBHS in labour disputes is the same as in

[174] Which level finally processes the application on the employer and the employee side can vary depending on whether it is an interim settlement, co-ordinated settlement, or union settlement.

[175] See e.g., note from Advokatfirmaet BAHR to Spekter – obtained on behalf of Spekter – dated 15 January 2024 (Appendix 5).

[176] See the letter from the working group's secretariat to the Ministry of Health and Care Services of 15 January 2024 and letter from the Ministry of Health and Care Services of 1 February 2024 (Attachments 3 and 4).

peacetime but must comply with the applicable rules during industrial action and the parties' basic rights, such as the right to strike, lockout, and to safeguard their rights during industrial action initiated by the other party. During industrial action, the NBHS will intensify its monitoring of health and social care services, because the industrial action poses an increased risk that the conditions may become untenable.

In its supervisory role, the NBHS must react if the conditions are untenable. It has previously been a practice where the NBHS played a more active role towards the parties of the labour dispute, such as by requiring employers to apply for exemptions. This was done in respect of businesses within specialist health services and the municipal sector. In 2014, the NBHS reviewed its practices and concluded that it was not compatible with its mandate and supervisory role.[177] The duty to provide adequate services rests with the business, i.e. the health institution or the municipality. The NBHS assumes that the assessment of whether exemptions are necessary to prevent breaches of health legislation must therefore be made by the businesses themselves. The NBHS is concerned with respecting labour market rules, and does not want to end up in a situation where, in reality, it assumes some of the parties' responsibility linked to the implementation of the dispute. In the letter to the MHCS, the working group's secretariat asked the MHCS to also shed light on this issue regarding the NBHS's competence to issue orders. With reference to § 8 of the Health Supervision Act, the ministry writes that "the provision does not regulate how the NBHS shall design the orders, beyond the fact that an order 'to correct the conditions' must be given. The NBHS is nevertheless authorised in the second and third paragraphs to issue orders for closure and to follow up professional orders to health personnel pursuant to § 56 of the Health Personnel Act. Consequently, it is essentially up to the business to which the order is directed to decide which measures are appropriate to rectify the situation. The NBHS must reassess the appropriateness once the measures have been decided or implemented."

4.2.4 The organisations' descriptions of their own practice

4.2.4.1 Practice related to pre-agreements

NHO's member companies conclude agreements on run-down and resumption work where necessary. This applies primarily in production companies with full and 24/7 operations, where an immediate shutdown could destroy valuable production equipment. In connection with, or as part of, agreements on run-down and resumption work, agreements can be concluded regarding safety staffing and necessary guarding during the dispute. The

[177] See the letter from the NBHS to the MHCS of 14 February 2014 (Appendix 1).

employees who are exempt under these agreements must not participate in production work but perform work that is necessary to avert danger to life and health or significant material damage.

NHO wants advance agreements to be concluded which regulate the run-down, necessary staffing during the strike, and resumption after the end of the dispute. If this is not done, however, the employer can apply for an exemption. Granting an exemption can thus mitigate the consequence of no agreements being concluded in advance of the dispute.

In **the state** sector, pre-agreements are used to a small extent. In addition to permanent exemptions for the senior-most manager of the business and the senior-most manager of the HR function that follow directly from the main agreement § 47, the employer must apply to exempt other employees, cf. § 48. A joint template has been drawn up for applications for exceptions and exemptions from strikes. An exception application means that the employee must be exempted from the labour dispute as a whole and perform their ordinary work duties. Exemption applications are more limited with time. See point 4.2.4.2 on exemption practice for a more detailed analysis.

In the KS area, the local parties are obliged to negotiate exceptions before a strike is initiated. Nevertheless, the experience of **KS** is that few exceptions are negotiated, apart from the senior-most manager of the HR function. Employees who are exempted from the strike must be exempted from the entire strike. In KS's view, this is why the employee side does not want to negotiate regarding exceptions. As the conditions for exceptions and exemptions are not the same, it will not necessarily be possible to apply for an exemption for employees who could have been categorised as an exception after negotiations.

Within the Federation of Norwegian Enterprise's (**Virke**) collective bargaining areas, advance agreements are used to a small extent, even though the main agreement has similar provisions to several other employer organisations. As a general rule, an exemption is considered more appropriate when the employer is aware of the strike (after the notice of withdrawal has been received).

There is considerable variation in **Spekter's** member businesses regarding the use of pre-agreements. While in some businesses there is a long tradition of concluding pre-agreements well in advance of the outbreak of a dispute, the situation is completely different in others. The differences run along sectoral lines, where the position seems to be locked within the specialist health services where some employee organisations do not want to conclude pre-agreements.

It is established practice that employers in Spekter's member companies convene local employee representatives well in advance of the expiry of the collective agreement to discuss the need to conclude advance agreements. Even if no prior agreements are

concluded regarding exceptions for named employees, functions, or tasks that the employer believes must be shielded as a minimum, Spekter believes that this dialogue gives the employee side a good overview of which functions should be shielded and thus not included in a notice of withdrawal.

A united employee side recognises that pre-agreements can be used to prevent the unwanted consequences of a strike. The main agreements in the various collective bargaining sectors further contain different rules for concluding pre- agreements. It is also common to conclude general pre-agreements to avoid danger to life and health, for example to avoid an impact on the provision of immediate assistance in the health services. Pre-agreements cannot, however, replace the use of exemptions.

The employee side emphasises that considerable effort is spent on planning appropriate strike action, and that necessary workers are shielded in that regard. No employee is formally excluded from the right to industrial action, but the organisations aim to avoid affecting a vulnerable third party. They therefore aim to ensure that these service recipients are affected to the smallest extent possible, and the consequences, particularly for vulnerable children and young people, will always be thoroughly assessed. Cancer treatment, psychiatry, special education, and emergency care are also examples of such exceptions. Endeavours are also made, as far as possible, to avoid issuing notices of withdrawal for employees that will affect key services in the lives of third parties, such as funerals.

In the employee side's view, pre-agreements are not appropriate in some areas and situations. Where staffing, staffing needs, and guarding and shift plans are unpredictable, detailed pre-agreements at the individual level are not appropriate. This is due, among other things, to the fact that it often takes a long time between the possible conclusion of such agreements, notice of withdrawal, and the initiation of a dispute.

4.2.4.2 Exemption practice

It is a long-standing collective agreement practice in **NHO**'s area that the notice of withdrawal covers the entire role, and that no exemptions are applied for in order to carry out individual tasks during the dispute (partial exemption).

NHO believes it is important to point out that a strike in the private sector differs significantly from a strike in the public sector in that the strike has a direct financial impact on the employer and, if it lasts for a long time, it can also result in the company going bankrupt.

The state's main agreement contains an exhaustive regulation of material terms that can justify the exemption of employees who should initially have been included in industrial action. The exemption application may be based on the need to safeguard life and health, to prevent material values from being destroyed or lost, or to cover certain management and personnel functions in an operating unit. These are the same considerations that justify applications for exceptions. For exemptions, the collective bargaining parties have decided that "other special circumstances" can also be a valid basis, cf. § 48 no. 3. The state's main agreements go further on this point than other main agreements in the public and private sector.

In contrast to applications for exceptions which are limited to situations before the employee has been taken out on strike, exemption applications can be submitted for employees who are already on strike and must be brought back to work.

In the state collective bargaining area, it is practice for the collective bargaining parties to conclude protocols on certain exceptions and exemptions in advance of notices of withdrawal. Among other things, a protocol has been concluded on exemptions for work that is strictly necessary in order to be able to prepare and pay salaries and holiday pay in June. In accordance with this protocol, the employer can appoint and assign employees who are needed to ensure the payment of wages and holiday pay. The business must inform the local strike committee when the dispensation process under this protocol is to be used. The employee's name, the scope of the duties to be carried out, and the justification for the work must be stated.

Furthermore, the Ministry of Digitalisation and Public Governance (MDPG) and the main associations have a more general agreement that regulates matters of principle. Here, the parties agree on the strike date for employees on business trips, strike processes for employees on vacation, courses, or on sick leave, suspension of flexitime during the strike, etc. The protocol contains a separate point on procedures for exemption applications and supplements the main agreement's procedural requirements. From the state side, in line with the main agreement, it is assumed that all exceptions and exemption applications are discussed with the local employee representatives. Once notice of withdrawal has been issued, the applications are sent via the parent ministry to the MDPG, which then presents them to the main association, which makes a final decision. It is determined in the protocol that the exemption application must apply to the entire position, while the employer is also asked to clarify the duties that have given rise to the application.

The experience of the MDPG is that the main associations have different exemption practices for when and how they accept applications.

Like the state sector, **KS** has a regulation of exemptions in its main agreement.[178] The conditions are stricter for exemptions compared to pre-agreements, and largely coincide with the private sector. Exemptions can be invoked and finalised before the strike is initiated or escalated, but also during the dispute if unforeseen situations arise. It is up to the individual municipality/county municipality/business whether to apply for an exemption. Any application is sent directly to the local strike committee, without KS having a role in this process. KS advises its members against partial exemptions (performance of specific duties) as it further complicates the provision of services during a strike because it is difficult to keep track of who is doing what at any given time. A municipality and county municipality provide a variety of basic welfare services to the entire population, as everyone is a resident of a municipality/county municipality. A strike in the municipal sector will therefore often affect a large number of people, with the cessation of and/or reduction in key welfare services. It is a natural consequence that citizens put great pressure on employers to apply for exemptions that reduce the negative impact of such a strike.

Within **Virke's** collective bargaining areas, the material conditions for applying for an exemption are the same as for pre-agreements, but no exemption application is submitted until the notices of withdrawal have been received and a dispute is a fact. Exemptions are mainly based on established practice, without written terms or procedures between the collective bargaining parties.[179] The application from the business must be forwarded to Virke, which assesses whether it should be forwarded to the employee organisation for consideration. The rare practice of exemptions is due to the fact that there have been few cases of industrial action in Virke's collective bargaining areas, although there are some examples of certain employees being exempt from the dispute through the granting of exemptions when the condition of a danger to life or health is met.

In the main agreements in **Spekter**, the parties have regulated that advance agreements are assumed to be concluded where needed, and that procedures for exemption applications are agreed centrally.[180] Spekter cannot oblige the member companies to submit exemption applications. The overall background for this is complex. This is justified in part by the fact that the employee organisations have the exclusive right to decide on the strike itself and exemption applications from the employer interfere with this right and the responsibility that comes with it. The businesses, including the healthcare institutions, must adapt to the reduction in capacity that the strike is intended to lead to. Responsibility for the

[178] KS's main agreement Part A, § 5-1-2 (B).

[179] LO-Virke (Handel og kontor), on the other hand, agrees procedures for exemptions following the pattern of LO-NHO/YS-NHO.

[180] Responsibilities and procedures for processing exemption applications are agreed between the central parties.

consequences of the strike lies with the party that decides on the strike. Furthermore, this is justified by the fact that the employer has neither a duty nor a responsibility to actively contribute to the strikes lasting longer, which exemptions can contribute to. In the health service in particular, Spekter points out that the lack of predictability and operational uncertainty that results from relying on the exemption scheme can be problematic in relation to fulfilling the statutory requirement for appropriate operations.

A **united employee side** agrees that the exemption scheme is a necessary instrument that forms part of the Norwegian system of the right to strike. This ensures that the employee side is able to make exceptions where unintended consequences could pose a danger to life and health, while ensuring that the employer side can meet prudence requirements.

The employee side has the objective that applications that are justified in life-threatening situations must always be granted. All organisations facilitate rapid case processing.

More generally, the employee side experiences that the employer side applies for fewer exemptions, even where there could be a real need for an exception. The NHO area indicates that some exemption applications are run-down agreements, industrial protection, etc. which should have been concluded as advance agreements well in advance of work stoppages.

The employee side states that conducting a strike, especially in complex businesses with unpredictable staffing needs, such as within specialist healthcare, assumes that employers are willing to use the exemption system in some situations. The health sector is characterised by unpredictability, and it takes a long time from the time the notice of termination is announced until it is implemented. Even limited withdrawals can have unintended consequences, because of changes in the composition of both patients and employees, or because of illness.

Generally, the employee side believes that the exemption system is nevertheless practiced appropriately in most agreement areas. The exception is Spekter, which has not wanted to submit exemption applications for some time. Spekter has problematised who is duty-bound in relation to health legislation and the requirements that are placed on the health services. In this context, the employee side refers to a letter from the Ministry of Health and Care Services (MHCS), see point 4.2.3. The MHCS responds to questions from the working group about the responsibilities in the health services and the relationship with exemption applications.

The employee side agrees with the MHCS that there is no basis for assessing applications for exemptions differently from what applies to the original strike action and any subsequent escalation, based on the fact that the employer is responsible for appropriateness and that it is the employer who is duty-bound under the health legislation. In all these situations, the

employer in the health services will, at all times, be responsible for appropriateness and be duty-bound. The fact that it is the employer who applies for exemptions does not change this.

The employee organisations emphasise that the NBHS's competence and area of responsibility are laid down in law and are formally the same both during and outside of a strike. In this context, the employee organisations would like to point out that the NBHS previously took an active role towards the parties in order to facilitate the exemption institute being used to ensure appropriate operations during labour disputes, but changed its practice from 2014 (see Ch. 7.2).[181] The employee organisations believe that a typical and natural measure during a strike in order to prevent a danger to life and health is to accept the labour offered by the strikers by granting an exemption.

4.2.4.3 Concluding remarks on social partners' practices

The members of the working group emphasise that the social partner initiating the industrial action also has a responsibility to ensure that the scope is reasonable so that there no danger is posed to life and health or risk of other serious societal consequences. However, the employee organisations emphasise that planning strike action is challenging as it requires detailed knowledge of the business's conditions, including agreements the business may have with third parties, an overview of individual shift arrangements, employees on leave, etc. Despite extensive involvement from the local employee representatives and careful planning of strike action, it may subsequently transpire that the strike has unintended consequences for third parties. Situations may also arise during the dispute that no one could reasonably have foreseen.

On an overall level, the employer side wants to use advance agreements over exemption applications because this creates greater predictability for the businesses. This point of view must be seen in the context of an experience that the employee organisations review the employer's assessment of the need for exceptions through exemptions, and that they can choose to either reject the application in its entirety, grant it for a shorter period, or limit it to specific duties.

Certain employee organisations are correspondingly negative about the extensive use of pre-agreements to establish minimum services. These organisations experience that, in some cases, employers define minimum services at such a high level that it actually weakens strikes as an effective means of industrial action. For the employee organisations, pre-agreed exceptions can also be problematic, as it can potentially lead to a shift in power

[181] See also the letter from the NBHS to the MHCS of 14 February 2014 (Appendix 1).

in favour of the employer if the trade unions are to be prevented from taking certain workers out on strike.

4.3 Assessments and recommendations of the working group

4.3.1 The working group's overall considerations

There is agreement that the right to industrial action is real, in both the public and private sectors. This also applies to businesses that supply societally critical goods and services ("essential services in the strict sense of the term"). However, there are some sectors where employees feel that it is arduous to carry out a strike. This is the case in areas where the risk of danger to life and health means that the scope of a strike must be limited, and in areas where duties vary to an extent that makes it difficult to assess the consequences of a strike without having direct contact with the individual workplace in advance. Although there are major challenges and room for improvement, the working group believes that considerable caution must be exercised in making major changes that could shift the balance of power between otherwise equal parties.

The working group emphasises that the Norwegian system hinges on the principle that it is the social partners who are responsible for wage setting and industrial peace.

The members of the working group point out that pre-agreements and exemptions are key tools that the parties have at their disposal in the event of a labour dispute. These arrangements have long traditions and reflect a balance between the social partners. Industrial action is a collaboration between employers and employees. This collaboration means that both sides have rights and obligations in respect of each other. If the authorities make changes to the established system, this could shift the balance of the entire system and have unintended consequences.

In light of this, the working group believes that the parties themselves must decide whether minimum services should be established during industrial action, including deciding whether this should be done by way of pre-agreements and/or exemptions. In general, it is considered difficult to make changes without weakening the autonomy of the parties. The working group recognises that with party autonomy comes great responsibility. In some cases, this may require a change in the use of the means available to the parties to ensure responsible industrial action.

With this as a clear basis, the working group has investigated and discussed various measures that can help to prevent the industrial action from having consequences that necessitate intervention in the form of compulsory arbitration.

4.3.2 Assessment of measures

4.3.2.1 The parties ensure a more efficient use of current instruments

Successful collaboration around exceptions to labour disputes requires a good understanding of the other party's needs and perceived challenges. Some of the situations which currently result in the authorities having to intervene could conceivably have been resolved if the parties had been more flexible towards each other in terms of the use of exemptions and advance agreements.

A closely related measure is therefore for the collective bargaining parties to undertake the initiation of a process to find mutually agreeable solutions where the needs of both sides are sufficiently catered for. It may also be of value that, after a labour dispute ends, the parties undertake to evaluate and exchange their experiences relating to pre-agreements and exemptions in the individual case.

The members of the working group highlight that evaluation meetings are already being organised at various levels in the organisational hierarchy, both internally within the organisations and with contractual parties. It is nevertheless possible to benefit by systematising evaluations that take place after the industrial action has ended, including dialogue around the better use of pre-agreements and exemptions. The dialogue should be left to the collective bargaining parties, who are best positioned to adapt both the form and content of the meetings between themselves. The task of the authorities here must be limited to facilitating better dialogue between the parties before, during, and after industrial action.

4.3.2.2 Duty to negotiate minimum services before the start of industrial action

As the employee organisations find it challenging to discuss exceptions well in advance of industrial action, an alternative could be to agree on an arrangement with an obligation to conduct negotiations after notice of withdrawal has been issued. An advantage of dialogue at this point will be that the employer has a better overview of the situation and staffing needs. The disadvantage is that the willingness to co-operate on the part of both sides could be lower as a dispute is imminent, and that the focus of the parties at this time should instead be to arrive at a negotiation outcome instead of creating arrangements that could potentially prolong the industrial action.

The members of the working group see no need for rules on an obligation to negotiate, as the main agreements already provide sufficient authority to conduct negotiations on work in connection with a dispute.

4.3.2.3 Establishment of a voluntary board to determine minimum services

In situations where the parties do not succeed in reaching an agreement through negotiations, one measure may be a party-appointed board tasked with determining the necessary level of minimum services during the industrial action in question. If necessary, the parties can agree in advance to set up a permanent board.

A similar board system has been established in Sweden.[182] There, the parties have a duty to negotiate any exceptions for employees covered by the strike, if the employer so requires. If the parties do not agree, the case can be submitted to a central board. The strike cannot be initiated while the case is pending before the board. From experience, few cases are brought before the board because the parties reach an agreement at the local level.

In certain contexts, the ILO has also advocated arrangements where an independent board can determine a minimum level of staffing with binding effect during an ongoing dispute, in cases where voluntary negotiations on this have not resulted in agreement.[183]

In the working group's view, the introduction of a board that will give advice or make decisions on minimum services would imply a marked departure from the established system where the parties initiating industrial action is also responsible for the initiation and implementation of the dispute. The working group expresses considerable scepticism towards the establishment of an institute which deprives the collective bargaining parties of control over issues that may have a decisive impact on the course of the dispute. Such an approach is claimed to involve a structural change which may have implications for how labour disputes are handled by the parties. It is also difficult to imagine how a board can have enough knowledge to decide what staffing is necessary in the individual dispute.

4.3.2.4 Ability to withdraw notices of termination and/or withdrawal

The employee organisations point out that it is difficult to plan a strike that cannot under any circumstances pose a danger to life or health, or a risk of other serious societal consequences. Since a notice of termination is a binding order that cannot be withdrawn without the other party's acceptance, the employee organisations have little opportunity to correct any mistakes. This raises questions about whether it should be possible to withdraw notices of termination for specific employees.

If such an arrangement is to work, it requires that the collective bargaining parties agree in advance which criteria and procedures are to be used as a basis for the revocation. This will also require regulatory changes.

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[182] See more about this in point 2.7.1 on Swedish law.

[183] See e.g., CFA case nos. 2484 and 2545.

Some of the members of the working group are positive about the proposal, provided that the option is limited to cases where there has obviously been a wrongful strike and there is a need to correct an unintended situation which the employer does not help to solve by way of the exemption scheme. Other members point out that practice has already been established in several collective bargaining areas so that any obvious errors can be corrected through dialogue between the collective bargaining parties. These members do not consider it necessary to change legislation or agreements to regulate the few and rare situations where this may be relevant.

When it comes to a more general possibility of withdrawal, a joint working group finds it inappropriate to put forward such a proposal, as this would change the dynamics between the social partners. The working group fears that such an option would serve to escalate a dispute. The employer side points out that, in such a case, the employee organisations will have almost full control over the course of the dispute, which could force an increased use of lockouts. The employee organisations, which in isolation could have benefited from such a proposal, also do not want an arrangement that could lead to the more frequent use of lockouts.

The working group therefore does not recommend going ahead with the proposal on the right of withdrawal for notices of termination.

4.3.2.5 Statutory rules on minimum services in the public sector

Some of the members of the working group have advocated that the right to strike is particularly difficult to exercise in the public sector, and that any measures should therefore be assessed sector by sector. These members state that in the public sector where, for example, consideration of the company's financial viability is rarely of significance, a strike as a means of force is not necessarily effective without it also affecting third parties. As a result, the enterprises within these sectors will experience greater external pressure when recipients of goods and services do not have their rights fulfilled due to the industrial action. Other members point out that although employers in the public sector will have lower payroll costs for a short period in the event of industrial action, the backlog of work will lead to additional costs in the longer term. For example, the specialist health services will incur increased costs to reduce the waiting lists for treatment that arise as a result of the industrial action.

If the parties do not succeed in establishing minimum services in order to prevent situations arising that pose a danger to the lives and health of others, or a risk of serious societal consequence, the question arises as to whether the authorities should consider legislating minimum services in certain parts of the public sector, such as by establishing a special body which is given the authority to impose minimum services. In Finland, there is an example

where the legislature has adopted temporary special legislation that allows for the ordering of critical personnel in the public sector.

The working group has considered the option of legislating minimum services. This would be a deviation from the Norwegian system, where the responsibility for initiating and implementing the labour dispute lies with the parties. It was also emphasised that arrangements that work well in other countries do not necessarily fit into Norway's system. The various elements of the Norwegian system are closely interwoven and influence each other. One change can have unintended consequences.

Although the main organizations recognise that the need for minimum services is becoming more prevalent in certain parts of the public sector, the members are nevertheless of the opinion that it is inappropriate to legislate such arrangements. Several public services are also provided by private actors, which is a complicating factor.

The members of the working group are also concerned that minimum services arrangements could, in the long term, lead to more interventions by way of compulsory arbitration because such arrangements could potentially prolong labour disputes. In any case, it will be difficult to determine what constitutes a satisfactory level of staffing. It is very difficult to determine staffing needs without in-depth knowledge of the specific service offering and the specific needs of the users.

4.4 Recommendation of the working group

The working group finds it challenging to devise measures that safeguard the autonomy of social partners without risking creating an imbalance in the power relationship between the collective bargaining parties. The working group's members believe that the current system generally works well but undertake to engage in dialogue on the use of the available instruments, in particular pre-agreements and exemptions. In addition, it is not recommended to proceed with any of the other measures in this chapter.

5 Other forms of industrial action

5.1 Introduction

The working group has assessed whether other forms of industrial action should be facilitated than is possible in accordance with applicable legislation. The option of partial work stoppages, for example, can be a way of adapting the industrial action in order to avoid a situation that necessitates intervention. In particular, the working group has

considered whether a partial work stoppage should be allowed similar to the Swedish model, either in general or in certain sectors.

5.2 Applicable legislation

The right to use industrial action is further regulated both in law and in collective agreements. This is analysed in more detail in chapter 2.

Particularly relevant here are the rules in the Labour Disputes Act § 15, first paragraph, cf. § 1 letter h, which lays down the requirement that notice of termination of the employment relationship to be covered by the industrial action must have been given before the action can be initiated.[184] In reality, notice of termination means that the employment relationship is suspended during the industrial action. This means that the industrial action must involve a *complete* stoppage of work for the employees covered. The current rules on the notice of termination are thus an obstacle to industrial action in the form of a partial stoppage of work.

5.3 About forms of industrial action in Sweden

Disputes and the implementation of industrial action are regulated in more detail in the co-determination act.[185] A stakeholder can initiate "dispute action" as long as it does not conflict with the duty of peace, which is further regulated in §§ 41-44. The term "dispute action" is not further defined and can in principle include any measure or threat of measures, provided that it is a collective action, directed at a social partner, with the aim of exerting pressure on the other party in a dispute of interest.

There is no requirement for notice of termination to initiate dispute action as in Norwegian law. The employment relationship remains, while the obligation to work and the obligation to pay wages are suspended. This means that employees who have been taken out on strike or other form of work stoppage can be brought back to work at any time.

Pursuant to the co-determination act § 45, parties wishing to initiate or extend dispute action have a duty to notify the other party and the Swedish National Mediation Office in

[184] Corresponding requirements are set out in the Civil Servants Employment Disputes Act, cf. § 20 no. 2.

[185] Act (1976:580) on co-determination in the labour market.

writing at least seven days in advance. The notification must contain information about the background and scope of the dispute action.

In practice, dispute action can therefore be partial, time-limited, and rolling, in addition to a "traditional" strike/lockout as we know it in Norwegian law. Such action includes rolling strikes (time-limited strikes in different periods and businesses/sectors), the blockade of new recruitment, the blockade of business trips, the blockade of overtime, the partial refusal to work in terms of individual employees not carrying out non-essential duties, and a reduced work pace. Each association tends to have "its" way of doing things.

From the employer side, such forms of industrial action can be met with reduced wage payments, refusal of quota deductions, refusal of service leave, or lockouts. Lockouts can be adapted in different ways, such as "mirror lockouts" (lockouts covering the same number of workers taken out on strike) and "consequential lockouts" (when a lockout is a direct consequence of a strike, such as when it is not possible to employ the rest of the workforce in the event of a partial shutdown).

In Sweden, partial industrial action is primarily relevant in the private sector. However, it is also a possibility in the public sector, except when it comes to activities that involve the exercise of authority.

The historical background for the use of partial industrial action in Sweden is described in more detail by the Stabel Committee.[186]

5.4 Previous studies on the topic – the Stabel committee

The question of allowing other types of industrial action than a full strike was discussed in the Stabel committee.[187] The committee was divided. The majority did not support the further enabling of partial industrial action/other means of action, pointing out that such a change would upset the balance between the parties of a dispute and make the dispute situation more unclear. The minority (representatives from Akademikerne and AF) pointed out that the balance in the public sector is different, and believed that it would be possible to make industrial action in the public sector a more real means of action if means of action were facilitated that did not require blanket notices of termination and withdrawal. The Stabel committee's assessments are detailed in point 3.

[186] See point 6.3.5 in NOU 2001: 14.

[187] See point 10.1.5 in NOU 2001: 14.

5.5 Assessment of the working group

The working group is unanimous that the current system as a whole functions satisfactorily, even if there are some weaknesses. Moreover, the members of the working group agree that any changes to the instruments for industrial action that are available would first require a thorough investigation. The Norwegian system has evolved over a long period of time and consists of various interconnected and interrelated rules. Even small changes or the introduction of new individual elements could therefore have an impact on the entire system, including affecting the balance of power between the social partners. Furthermore, the working group points out that elements that work well in other countries' schemes may not necessarily work in Norway's system. If proposals for new forms of industrial action are to be taken forwards, it will be necessary to review the system as a whole in more detail. This is not desirable and is also outside the mandate of this working group.

At the same time, it is important to clarify all measures that could feasibly reduce the need to intervene in industrial action and escalate the matter to compulsory arbitration. This need seems to be most prominent in the public sector, in light of the disputes in this sector in recent years. More knowledge is needed about the scope for action when it comes to adopting other forms of industrial action, and about the consequences this could have for Norway's established system.

5.6 Recommendations of the working group

The working group has looked at and familiarised itself with how industrial action is organised in Sweden. The working group does not recommend proceeding with proposed changes relating to which means of industrial action can be used.

6 Parallel strikes and partial interventions

6.1 Parallel strikes

6.1.1 Current arrangement

In the Norwegian negotiation model, it is not unusual for parallel collective agreements where several trade unions have concluded agreements with similar scope provisions with the same or several employer organisations. This is partly due to the fact that the various trade unions compete with each other for members, combined with the fact that there is an

opportunity to establish several collective agreements in the same business.[188] The number of parallel collective agreements has increased. Among other things, this is due to the fact that YS unions have become a party in several collective agreements in the NHO area. Mergers and structural changes on the employer side have also led to the disappearance of some parallel agreements.[189]

Such parallel agreements are often negotiated and mediated at the same time and with the same mediation deadline. Even if they are mediated separately, it will usually be the same mediator who handles the parallel agreements. If there is a breach of the mediations in several of the settlements, two or more industrial actions will be initiated simultaneously within the same area.

In respect of compulsory arbitration, the question therefore arises as to whether intervention should cover several disputes or just one.

The legal starting point is that such parallel labour disputes must be dealt with and assessed separately. The collective bargaining parties have independent negotiation and strike rights, and right to demand that "their" dispute not be stopped as a result of the consequences of another industrial action.

However, parallel strikes will often affect the same businesses. In such cases, it can be difficult for the authorities to determine which of the strikes pose a danger to life and health or serious societal consequences. Not infrequently, intervention is also justified by the overall consequences of the industrial actions for the service in question. In the case of parallel industrial action, the state has therefore traditionally intervened and stopped the industrial actions. In such cases, the ministry will refer to the disputes in the plural (instances of industrial action/strikes) but deal with them together in a legislative proposition/provisional arrangement. In the National Wage Board, however, the individual unions'/negotiating associations' disputes will often be dealt with in the same meeting, but in separate rulings.

If only one of the industrial actions is stopped in such a situation, the consequences will be that one industrial action is referred to the National Wage Board for consideration, while the other industrial action or actions continue.

In recent years, there have been two cases in particular where criticism has been raised in respect of intervention in two parallel strikes at the same time. One concerned the labour disputes in the health enterprises in 2019 between LO Stat and Spekter and YS Spekter and

[188] Alsos and Nergaard (2021), page 5.

[189] Alsos and Nergaard (2021), page 20.

Spekter (Agreement area 10 Health enterprises).[190] In the provisional arrangement for intervention, the disputes were wrongly referred to as the "the labour dispute". There was nevertheless no doubt that this referred to two parallel strikes which largely affected the same businesses. The intervention was based on an overall assessment, where particular attention was paid to the situation at Østfold hospital.

The second case was the disputes between Parat YS and NHO (Agreement on children's and youth welfare services) and NUMGE/LO and NHO (Agreement 453) in 2020.[191] The disputes encompassed a large number of private treatment institutions within addiction care, psychiatry, child welfare, nursing and social care, and some kindergartens. To some extent, the two disputes affected the same care enterprises, and the strikes were ended after an overall assessment of the consequences of both strikes.

These two cases illustrate that it can be difficult to separate the consequences of two strikes within the same business where, for example, workers from both unions on strike work the same shift schedule. LO has signalled that it is considering whether to appeal the decisions on compulsory arbitration in these two cases to the ILO.

Also in the three strikes in the school sector (between Utdanningsforbundet, the Norwegian Union of School Employees and Lektorlaget and KS) in 2022, the consequences were assessed together, and the intervention covered all three disputes.

6.1.2 Assessment and recommendation of the working group

The working group assumes that each individual organisation is responsible for its own strike action.

The working group agrees that parallel labour disputes must be dealt with and assessed separately, and that it is unfortunate for one strike to be called off on the basis of the consequences of another. This applies in particular if one of the parties wishes to "manage" a dispute towards compulsory arbitration. Where the consequences of different disputes can be clearly distinguished, intervention should only take place for the dispute(s) that pose a danger to life and health or that have other serious societal consequences. It is reasonable to assume that in many cases this will be the organisation that carries out the "last" withdrawal of workers on strike or lockout and is thus the triggering factor for the danger to life and health arising.

[190] Provisional arrangement of 9 August 2019.

[191] Proposition 80 L (2020-2021).

However, the working group acknowledges that many parallel disputes affect the same businesses and the same functions, and that it will therefore often be difficult to link the consequences to just one party. In such cases, clarification should be sought by way of dialogue with the parties and the authority. The working group agrees that it is necessary to conduct an overall assessment of the consequences of the disputes and, in some cases, to intervene in all the disputes.

The working group wishes to clarify that in the case of co-ordinated settlements, the main organisations negotiate on behalf of their subordinate unions and associations. If an instance of industrial action is initiated as a result of a breach of settlement affecting several unions and associations, it is still considered as one instance of industrial action. Intervention in respect of only one union/association will thus involve a partial intervention and not intervention in one of several parallel strikes.

6.2 Partial intervention

6.2.1 Current arrangement

In co-ordinated settlements, the various main organisations negotiate together for all their affiliated trade unions and national associations. If such a settlement ends in a labour dispute, it will often result in workers in several trade unions being taken out of work. Such cases are nevertheless considered one dispute, and if the industrial action poses a danger to life and health or has other serious societal consequences, the state intervenes in the strike as a whole. In such cases, questions may be raised as to whether the state should intervene partially, such as in only one area of the collective agreement, or in relation to those employees whose absence concretely poses a danger to life and health or a risk of other serious societal consequences.

In individual cases, the ILO has assumed that it may be appropriate to use selective intervention in such cases. This includes in 1994 when the Norwegian Union of Social Educators and Social Workers (FO) complained to the ILO about the use of compulsory arbitration in labour disputes in the municipal sector as part of the collective bargaining process in 1992.[192] FO is part of LOK, LO's negotiating association in the municipal sector. This is the only time an LO union has complained to the ILO, and the complaint was submitted without LO's approval. The Committee on Freedom of Association clarified that it was only deciding whether it was justified to intervene by way of compulsory arbitration in relation to the party that had complained. The government's reasoning, which was based on

[192] CFA case no. 1763.

the overall consequences of the municipal strike (including cancelled garbage collection, transport strike, no fault rectification in the supply of electricity), was not commented on. The committee thus rejected the Norwegian authorities' practice of intervening against all the unions together in agreements in the public sector, regardless of how the consequences are distributed. The damaging effects of the strike among FO's members were not of such a nature that the use of compulsory arbitration was in line with the conventions. Similar seems to have been taken as a basis in CFA case no. 2546 in connection with the strike in the financial sector in 2006. The dispute covered both banking and insurance activities.

In the KS area, the various employee organisations are parties to the main collective agreement, which is negotiated with the negotiating associations. When AF – Kommune (Akademikernes Fellesorganisasjon) went on strike in 1998, the state partially intervened in the strike and ended it for three unions: Norwegian Nurses Organisation, Norwegian Society of Radiographers, and NITO (bioengineers). The remaining unions on strike continued as union strikes. The partial intervention was strongly criticised, and AF had meetings with the Storting to have the intervention extended.

Allowing the authorities to stop parts of a strike was also discussed by the Stabel committee.[193] It was pointed out that although the intervention itself would probably be in line with the terms of both the European Social Charter article 31 and ILO practice, the solution could conceivably be at odds with the guidelines that the ILO bodies lay down as a basis for what should happen after an instance of intervention. The authorities are then required to provide common negotiation procedures and a system of impartial and rapid compulsory arbitration if the negotiations do not lead to a successful outcome.[194] It was also pointed out that such intervention can be seen as a form of minimum services, which can be an acceptable solution under ILO practice. The committee was of the opinion that such a solution could lead to greater caution with regard to which groups are taken out on strike or lockout, thus limiting the use of compulsory arbitration. Nevertheless, the committee found such a solution to be inappropriate, because it could lead to unwanted fragmentation of the collective agreement system. It was also pointed out that it can be discussed what opportunities exist for achieving something by way of a continued strike if several main associations have already reached an agreement with the employer(s).

[193] NOU 2001: 14, page 146 et seq.

[194] ILO Digest (1996), paras 546-553.

6.2.2 Assessment and recommendation of the working group

Like the Stabel committee, the working group points out that facilitating partial intervention could lead to greater caution with regard to which groups are taken out in industrial action and a greater willingness to grant necessary exemptions. However, it can also lead to unwanted fragmentation of the collective agreement system. Like the Stabel committee, the working group also questions the opportunities available for achieving something by way of a continued strike if several confederations/associations within the same main association have already been removed from the dispute.

The working group thus agrees with the assessments and conclusion of the Stabel committee that it is not appropriate to facilitate partial intervention.

7 The Authorities' gathering of facts and assessments relating to the consequences of the strike

7.1 Introduction

Industrial action is a legal and legitimate means of action for the social partners. A fundamental basis of the Norwegian system is that the social partners are responsible for collective agreements and upholding industrial peace. This includes a responsibility to conduct industrial action in a responsible manner. The social partners have the opportunity to govern this by way of appropriate strike action, and by using any advance agreements and exemptions.

Society must essentially accept the disadvantages that a labour dispute can cause. There is nevertheless broad consensus that the government has a responsibility to intervene if the industrial action poses a risk to life, health, or safety, or leads to other serious societal consequences.

In order to be able to assess whether and when it may be necessary to stop a labour dispute, the authorities regularly obtain information about the consequences of the industrial action. The information is assessed by the relevant professional authorities and forwarded to the Ministry of Labour and Social Inclusion, which ultimately decides whether to intervene by way of compulsory arbitration.

Under the current system, the social partners and the general public are given access to the basis for the decision to intervene by way of compulsory arbitration only after the decision has been made. Although such an arrangement prevents the labour dispute from being affected by the authorities' ongoing assessments, it does not give the social partners the opportunity to correct any errors in the information forming the basis for the assessments.

In connection with specific instances of intervention in recent years, the Ministry's decision to intervene by way of compulsory arbitration has been criticised. Aspects of the criticism have been aimed at the process leading up to intervention. It has been stated that the assessments have not been thorough enough, and been claimed that intervention has been carried out on the basis of incomplete factual information.[195] In the case of intervention in the health sector, it has also been pointed out from the employee side that the businesses can have an unfortunate dual role both as a party to the labour dispute and as being responsible for provision of services. Against this background, certain political parties in the Storting and some trade unions have advocated that the process should be made more transparent and that the employee side should be given the opportunity to comment on the actual basis for the decision to intervene, before the decision is made.[196]

7.2 Current system

7.2.1 The role of the Ministry of Labour and Social Inclusion

It is the Ministry of Labour and Social Inclusion (MLSI) that is responsible for monitoring ongoing industrial action and assessing whether there is a need to intervene by way of compulsory arbitration.

The individual sectoral ministries are responsible for following up on labour disputes that may affect their areas of responsibility, and reporting to the MLSI any dispute that may pose a risk to life, health, or of other serious societal consequences. The assessment of whether it is necessary to intervene rests with the MLSI, and the sectoral ministries must only assess the actual consequences of the industrial action.

In recent years, the MLSI has sent out a letter to all other ministries ahead of wage setting processes to remind them of their responsibility to follow up. The various ministries are also asked to register a contact person that the MLSI can liaise with in the event of a labour dispute within their area of responsibility.

The MLSI monitors the disputes as early as the mediation stage. Based on available information about notified withdrawals, an initial assessment is made of the possible

[195] See e.g., representative proposal 144 S (2021-2022) criticising the instances of intervention in the labour dispute between IE and the Federation of Norwegian Industries in 2014, the labour dispute between NSF and NHO SH in 2018, the labour dispute between Parat and NHO and the NUMGE and NHO in 2021, and the labour dispute between Unio and KS in 2021.

[196] See the written observations from LO, Lederne, NSF, Unio, and YS to representative proposal 144 S (2021-2022).

consequences of industrial action. To the extent that it is considered necessary to monitor the dispute more closely, initial contact is established with relevant sectoral ministries.

The assessment of the areas in which an instance of industrial action may have consequences and who is best placed to obtain information and report on this is sometimes demanding. The subordinate agency of the Ministry of Health and Care Services (MHCS), the Norwegian Board of Health Supervision (NBHS), is responsible for assessing the consequences of industrial action in the health and social care sector; see point 7.2.3. Labour disputes that do not directly affect the health and social care sector must therefore initially be assessed by other sectoral ministries. Sometimes it will still be necessary to contact the MHCS in cases of labour disputes in other sectors as these can have indirect consequences for the provision of health and social care services. For example, a strike in the energy sector could pose a threat to life and health as a result of a lack of power supply to patients receiving health care in their own homes. In such a case, the MLSI will obtain information from both the Ministry of Energy (ME) and the MHCS. A labour dispute will also often have consequences in several areas at the same time. In such cases, the MLSI obtains information about the consequences of the dispute from several different ministries. By way of example, reference can be made to the teachers' strike in 2022, where the MLSI received information about the strike's consequences from the Ministry of Education (MEd), the Ministry of Children and Families (MCF), and the MHCS.

To the extent that the sectoral ministries consider it necessary, they obtain information about the consequences of the dispute from subordinate agencies. The MHCS routinely obtains information from the NBHS where the labour dispute affects the health and social care sector; see points 7.2.2 and 7.2.3. In some labour disputes, the subordinate agencies will also need to obtain information from the county governors. In those cases where the sectoral ministries receive reports from subordinate agencies, these will form the basis for further reports to the MLSI. The agencies never report directly to the MLSI. They report to the sectoral ministries which in turn report to the MLSI. The frequency and scope of the reports depends on the specific circumstances and developments in the specific instance of industrial action.

On the basis of reports received from the relevant ministries, the MLSI assesses the need for intervention. The assessments are made solely on the basis of information about the consequences of the industrial action, and the threshold for intervening is high. Points of view related to the "reasonableness" of the labour dispute and political opinions are never given weight.

As a general rule, information sent to the MLSI in connection with wage setting is excluded from public access until the dispute has ended. Normally, however, access is given both to the reports from the agencies to the sectoral ministries, and from the sectoral ministries to

the MLSI after a decision on intervention has been made. When processing any request of access to documents, the MLSI will normally assess whether the document contains confidential information that is to be exempt from public disclosure. The assessments that form the basis of the intervention and the factual information that has been instrumental in the decision to intervene will also be detailed in the legislative proposal that forms the basis of the intervention.

If the MLSI considers that it is necessary to intervene by way of compulsory arbitration, the minister will call the parties to the labour dispute to a meeting. Ahead of the meeting, the minister will notify the Storting via the parliamentary leaders.

In the meeting, the minister will warn the parties that it is now necessary to stop the dispute and ask them to consider whether this can be done by finding a solution to the dispute themselves. If the parties reply that this is not possible, the minister will inform them that the government is compelled to intervene by way of compulsory arbitration. The parties are asked to accept this with immediate effect and return to work as soon as is practically possible.

Because we do not have a general law on compulsory arbitration in Norway, intervention in labour disputes must be adopted by the Storting as required, following the ordinary procedures for legislative enactment.

Immediately after the decision on intervention has been made, the MLSI will prepare a bill with a proposal for a special act prohibiting continued industrial action and transferring the dispute to the National Wage Board. The Government presents the proposition to the Storting as quickly as possible after this; see more about the National Wage Board in point 2.4.

If the Storting is not assembled at the time it is necessary to intervene in a labour dispute, the Government can decide on intervention by means of a provisional arrangement.

7.2.2 The role of the Ministry of Health and Care Services during industrial action

The MHCS's role is primarily to co-ordinate the Ministry's subordinate agency, the NBHS, and the MLSI. The MHCS has no influence on the NBHS's professional assessments of the consequences of a labour dispute.

Sectoral responsibility is followed even during a dispute. This means that the NBHS only assesses disputes that have consequences for health and social care services.

The MHCS monitors the website of the National Mediator of Norway so that it is aware of upcoming mediation proceedings. If the MHCS considers that a dispute may affect the health and social care services, it will contact the social partners to get an overview of the dispute. This means that contact persons are requested both on the employer and employee side. In addition, an analysis is made of which areas are affected, both geographically and in terms of which businesses are affected and what they work with. This information is shared with the NBHS so that they can monitor a labour dispute.

The NBHS reports to the MHCS, which forwards these reports to the MLSI. The scope and frequency of reporting depends on the status and area of the ongoing dispute. Reporting can be done weekly, but in some situations it can be up to twice a day. The latter is particularly relevant when a possible end to a dispute is approaching. If the NBHS concludes that a labour dispute may pose a threat to life and health, this conclusion is immediately forwarded to the MLSI, which is then responsible for the further processing of the ongoing dispute.

7.2.3 The role of the NBHS in labour disputes

7.2.3.1 Introduction

The NBHS maintains overall professional supervision of Norway's health and social care services and must exercise authority within its area in accordance with what is laid down in laws and regulations, cf. the Health Supervision Act[197.] § 4. Health and social care services include specialist health services (hospitals and outpatient services), municipal health and social care services (e.g. general practitioner services, institutions, home healthcare services, personal assistance, practical assistance, social care pay, and respite measures), and dental health services. The definition covers both public and private/not-for-profit providers of health and social care services.

The NBHS has the same role and function during a labour dispute as in a normal situation. The NBHS must monitor that all aspects of health and social care services can accommodate the population's need for health and social care services.

The county governors play an important role in the NBHS's supervisory work as they must keep the NBHS continuously informed about conditions in the health and social care services

[197] Act of 28 April 2023 no. 9 Act on state supervision of health and social care services etc. (Health Supervision Act)

in the county and about conditions that affect these, cf. the Health Supervision Act § 4, third paragraph. The NBHS has an independent responsibility for following up on all circumstances that pose a risk of shortcomings in healthcare services.

The NBHS receives information from the MHCS about ongoing mediation and strike action and, if necessary, requests further information about the reported strike action or escalation of the strike. From the NBHS's point of view, it is an advantage that the lists of workers on strike contain information on which businesses are affected by strikes, as well as the number and role/profession of those on strike.

7.2.3.2 More about the role of the NBHS in the monitoring of strikes

The NBHS collects information from the county governors and guides them on how to explore the matter so that the information they receive is sufficiently analysed. The county governor's information about the significance of the dispute for the ability of the health and social care services to provide necessary and proper healthcare must be concrete and fact-based. The NBHS can also obtain factual information directly from the businesses and healthcare personnel affected by the strike.

In the period from 2002 to 2012, the NBHS took an active role towards the social partners in order to facilitate the exemption scheme being used to ensure appropriate operations during labour disputes. This strategy was changed in 2012. The NBHS justified its change in practice by saying that it did not have the authority to impose measures or activities on the parties to a labour dispute, and pointed out, among other things, that such orders could create uncertainty around the NBHS's role in relation to labour disputes. In the NBHS's opinion, such an active role could also raise doubts about the independence of the NBHS with regard to assessing whether a labour dispute has consequences for the health and social care services.[198]

Today, the NBHS asks the businesses whether any compensatory measures have been implemented (e.g., whether it has been possible to reallocate personnel, whether patients can be moved, etc.) and about the impact of these. They also ask questions about how the exemption scheme has been used and about the consequences for operations where necessary in order to make an assessment of the adequacy of the provision of services.

The NBHS does not hold dialogue meetings with the social partners regarding the implementation of disputes, either in an ongoing labour dispute or outside of it. On rare

[198] See the letter from the NBHS to the MHCS of 14 February 2014 (Appendix 1).

occasions, the NBHS has contacted the social partners directly to obtain information on whether exemptions have been applied for/granted.

A strike can affect other societal conditions than those directly linked to the health and social care services, such as electricity supply, ICT services, and the transport sector. A strike that affects such key societal functions can also have consequences for the ability of the health and social care services to deliver adequate services, and thus pose a danger to life and health. This may apply, for example, to the ordering and supply of important medicines, such as insulin, antibiotics, and anaesthetics. On the basis of information about upcoming mediation proceedings where a strike could affect important societal infrastructure, the NBHS can, on its own initiative, ask the county governors to prepare for strike monitoring and/or conduct a preliminary assessment of the consequences of a possible strike.

After the NBHS has received information from the relevant county governors after a specified deadline, they assess and report the conditions during the ongoing dispute to the MHCS. These assessments are formally reported by the NBHS to the MHCS, which in turn passes it onto the MLSI.

The reports from the NBHS must cite the sources of information, the information that the NBHS is using as a basis for its assessments, the assessments made with regard to whether the disputes affects the ability of the health and social care services to cater for the population's need for services, and the NBHS's assessment of whether a threat is posed to life and health at the time of reporting up until the next report.

The NBHS shall not take a position on the question of whether the general rules for strikes are being followed during a labour dispute (e.g., strike-breaking).

7.2.3.3 More about the NBHS's assessment of danger to life and health

The NBHS's assessment is linked to whether a threat is posed to the lives and health of individuals as a result of a strike that directly affects the health services, or whether there may be a danger to life and health as a result of a strike that affects other societal functions and that may threaten the ability of the health services to provide an adequate healthcare service.

In this assessment, consideration is also given to how long the businesses need to re-establish normal operations after a strike has been called off. In connection with this, it is assessed whether the cumulative impact of the strike could pose a danger to life and health before normal operations are restored.

Usually, the NBHS concludes that a risk to life and health is posed only if it receives information that individual patients are affected and that there is a risk to their life and health. However, there may also be cases where the total burden of an ongoing labour dispute poses an unreasonably high risk of danger to life and health. If the county governor's report contains information that the situation may pose a risk to patients' lives and health, they often make direct contact with the individual business to obtain detailed information about the individual patients in question.

When the NBHS assesses that there is a danger to life and health, it notifies the MHCS by phone before sending a final report. The NBHS will try to specify the exact time that a danger to life and health will occur, which is sometimes only hours ahead.

In exceptional cases, the NBHS will have already assessed the risk to life and health in the event of a breakdown in mediation proceedings and before the implementation of a strike or lockout that will directly affect the provision of services. The subject of the assessment is whether there will be a danger to life and health immediately upon implementation of the notice of withdrawal. In such cases, consideration is given to whether the planned notice of withdrawal in parts of the health service will affect the population immediately, and whether it will also take time before the health service becomes fully operational again after the strike ends. Consideration is also given to whether the stakeholders' compensatory measures will have sufficient effect. In such cases, the NBHS sends its assessment to the MHCS well in advance of the implementation of the notice of withdrawal.

7.3 Measures for the improved flow of information

In evaluating possible measures that could give the social partners greater insight into the facts and any assessments that form the basis of intervention in the event of compulsory arbitration, a position must first be taken on at what point in the process the social partners should be involved. Currently, information about the consequences of the industrial action is passed on primarily in three stages:

1) From the affected parties, including from affected employers, to subordinate agencies (in labour disputes affecting the health and social care sector, the information often goes via county governors).
2) From subordinate agencies to sectoral ministries (for example from the NBHS to the MHCS, from the Directorate for Education and Training to MEd).
3) From the sectoral ministries to the MLSI.

A decision must be made as to which information should be shared, including whether there is sufficient insight into the actual circumstances that have been passed onto the authorities,

or whether insight into the authorities' professional assessments should also be provided. Furthermore, a decision must be made as to who the relevant information is to be shared with. In assessing the above questions, the following considerations should be taken into account:

1. The time aspect and confidentiality

When labour disputes escalate, the authorities often operate under intense time pressure. For example, situations that pose a danger to life and health could arise at short notice.

The authorities' assessments are sometimes based on information about the consequences for individual patients/a small number of patients or other information of a sensitive nature (for example related to security policy or trade secrets). In order to not to breach regulations relating to confidentiality, the authorities will have to review and assess the information before it is published.

If the parties are to be given a real opportunity to provide input on the facts before the subordinate agencies or sectoral ministries make their assessments, this will understandably delay the process. The authorities will first have to review the information to ensure that it does not contain confidential information. The stakeholders must then be given some time to review the information and state if they are of the opinion that there are errors in the information used to make the decision. In the event of any disagreement about the facts, the authorities will have to carry out their own investigations to assess what is factually correct. Although this provides an opportunity for more transparency, it can be demanding in some situations, such as in larger disputes.

2. Public access

The reports that the sectoral ministries receive from their subordinate agencies and the reports that the Ministry of Labour and Social Inclusion receives from the sectoral ministries are currently exempt from public disclosure pursuant to the Freedom of Information Act[199] § 15, first paragraph, until the decision on intervention by way of compulsory arbitration has been made. The provision allows for documents obtained from a subordinate body (first point) or other ministry (second point) for use in internal proceedings to be exempt from public disclosure when necessary to ensure sound internal decision-making processes. A condition for being able to make exceptions under these provisions is that the documents in

[199] Act of 19 May 2006 no. 16 relating to the right to access to documents held by public authorities and public undertakings (Freedom of Information Act).

question are kept internal between the sender and the body (or bodies) that has obtained them. The exception access will therefore be lost if the documents are sent to the parties to the labour dispute.

It cannot be ruled out that, in certain disputes, there will be grounds for excluding the documents from public disclosure on other grounds. For example, assessments that identify vulnerability as a result of reduced staffing can occasionally be exempted from public disclosure on the basis of the Freedom of Information Act § 24, third paragraph, first point, which allows for exceptions that are "required because access would facilitate the commission of criminal acts".

Nor, however, where exempted public disclosure can be authorised in other provisions, will it be routine to give the parties access while denying others access to the same documents. The Freedom of Information Act § 6, first paragraph prohibits differential treatment. The provision states that when access is granted in accordance with the Freedom of Information Act, or access to information is granted in other instances, there is no right to differential treatment in "comparable" instances. As a clear basis, there will therefore be no reason to give anyone access to information while denying access to others.

Under current law, there will therefore normally be no basis for denying the press and other interested parties' access to the reports from subordinate agencies/sectoral ministries, if these have already been disclosed to the social partners. If the social partners are given access to these reports, it must therefore be assumed that the press will also have access to them.

3. The time of involvement is significant for the real possibility of contradiction

The earlier the social partners are involved in the process, the easier it will be to have factual errors corrected. As mentioned, the authorities often operate according to short deadlines when intervention is imminent. If it is alleged that there are factual errors shortly before an instance of intervention, it is not a given that the authorities will have the time or capacity to go back to the businesses to investigate whether there is incorrect information. From the authorities' point of view, it is therefore advantageous that the actual information is quality-assured with the employee side before it is sent over to the county governors/subordinate agencies.

4. About disagreements regarding actual circumstances

If the employee side and the business in question do not agree on the facts, the authorities will have to make their assessment on the basis of the information available. The authorities

must follow general principles of administrative law, including the principle of ensuring that the case is as well-informed as possible. Time is important in the assessment of whether a case has been sufficiently informed. If there is time to obtain further information or to clarify disagreements, this will be done.

In the health and social care sector in particular, it is a central principle that whoever is responsible for the provision of services in peacetime is also responsible during a labour dispute. Who being responsible for ensuring the adequate provision of health services follows from the Health and Care Services Act § 4-1 and the Specialist Healthcare Act[200] § 2-2. This duty is aimed at the businesses providing the services. In the event of disagreement about the actual circumstances, and where there is no time for further clarification, the principle of responsibility will often mean that the authorities must rely on the information provided by the business.

7.4 Assessment and recommendations of the working group

7.4.1 The working group's overall considerations

The public disclosure of the authorities' procedures for gathering information about the consequences of labour disputes has an intrinsic value. The provision of good information about these procedures to the social partners and the public is important.

It is of fundamental importance to ensure that the information the authorities receive about the consequences of industrial action is correct. It is important that the process fosters trust and has legitimacy among the social partners. A greater degree of transparency regarding the basis for the decision and the assessments that form the basis of the intervention could contribute to this.

The members of the working group have confidence in the authorities' professional assessments of whether a danger to life and health, or risk of serious societal consequences render intervention necessary. There is broad agreement among the members of the working group that the stakeholders in the labour dispute should not be accorded any form of responsibility when it comes to this type of professional assessment. It is not desirable to have contradictions with respect to the professional assessments that form the basis of an intervention, only possibly around the actual circumstances on which these assessments are based.

[200] Act of 2 July 1999 no. 61 on specialist healthcare services etc. (Specialist Healthcare Act)

The working group also agrees that it is vital that trust in the professional authorities is not weakened, and that the assessments are not called into question in a way that causes the authorities' decision to intervene to lose legitimacy. The current system rests on the assumption that affected employees and employers comply with the minister's call to end a labour dispute before the Storting makes a formal decision on this. If the social partners are given access to the authorities' assessments of the industrial action's consequences during the industrial action itself, they should be aware of their responsibility to communicate in a way that does not undermine the legitimacy of and loyalty to the government's decision.

7.4.2 Assessment of possible measures

7.4.2.1 The local social partners are made aware of the information that the businesses provide to the authorities and are given the opportunity to report errors.

The working group has discussed the possibility of the social partners establishing arrangements that help to give local employee representatives the opportunity to offer input on the actual information the businesses report to the authorities regarding the consequences of the strike.

Insight at this stage helps to ensure that the employee side has a real opportunity to provide its input on the actual information that is intended to be reported. In this way, any errors can be caught and corrected before the information is forwarded to the supervisory authorities. The exchange of information between local employee representatives and the business will also be able to take place quickly and on an ongoing basis. This is key, as it is a clear prerequisite that the business is able to comply with the reporting deadlines given by the authorities. The exchange of information at this level is also beneficial in terms of handling sensitive information. In cases where confidential information or other sensitive information is involved, the business will be able to limit the flow of information to certain employee representatives who are often already familiar with the circumstances covered by the duty of confidentiality.

The working group nevertheless points to certain circumstances that can make it difficult to make such arrangements work in practice.

During a labour dispute, the co-operation among the social partners at local level does not function as normal. Although employee representatives at the workplace in question normally have good knowledge of the actual circumstances at the workplace, it is not a given that they have a corresponding overview when industrial action is in progress.

Furthermore, the working group emphasises that no two strikes are the same and that there are considerable variations with regard to how the businesses organise and carry out their

reporting during strikes. It can be more challenging to make this type of arrangement work in strikes that involve a large number of employees in large businesses than in smaller businesses where the number of workers on strike is limited.

The working group emphasises the importance of any arrangements for the exchange of information at the local level to be designed in a way that prevents the businesses and the employee representatives from being subjected to too heavy a workload. The members on the employee side point out that the businesses' reports to the authorities often take place in several rounds and that each report can contain a lot of information. Reviewing and assuring the quality of all this information will be time-consuming. They further point out that many of the reports do not contain information that is designed to result in intervention, and that such information does not necessarily need to be presented to the employee representatives. The members from the employer side emphasise that such arrangements will also entail extra work for the businesses in an already pressured situation. They indicate that the businesses will have to decide whether the reports contain confidential information that cannot be shared, and that the authorities often set short deadlines for reporting. If this type of arrangement is to work in practice, it is important that they are designed in a way that ensures that the exchange of information can take place quickly and efficiently.

The exchange of information at the local level will probably contribute to the fact that the information the business submits to the county governors/subordinate agencies is discussed between the parties. Where the business and employee representatives do not agree on the actual circumstances, the working group believes that the disagreement should be reflected in the information the business submits to the authorities. In such a case, the authorities will have to assess whether there is a need to investigate further in order to clarify the facts and ensure that the matter is sufficiently informed.

Moreover, the working group believes that the mere existence of a disagreement about the facts is, in itself, important information that should accompany the case.

In summary, the working group believes that arrangements that ensure the sharing of information with employee representatives is a measure that could be appropriate to try out in some strikes within certain suitable collective bargaining areas. The extent to which it is possible to establish such a system, and how this should then be designed, will have to be concretely assessed by the collective bargaining parties.

The members of the working group on the employee side point out that access to the information reported from the businesses covered by the labour dispute does not meet the need for transparency in cases where the industrial action has consequences in areas other than where there is a dispute that triggers the need for intervention.

An opportunity to review the information at this stage gives the employee side the ability to point out any errors they believe to be related to the facts underlying the assessments of intervention but does not give the social partners insight into the professional assessments made during the industrial action.

7.4.2.2 The central social partners (the main organisations and the central confederations) are presented with the subordinate agencies' reports before these are sent to the sectoral ministries and are given a deadline for providing feedback.

The NBHS and other subordinate agencies review and assess the information they receive from the county governors/businesses and prepare a combined report which is sent to the MHCS or the relevant sectoral ministry. The practice of sending the reports to the parties to the labour dispute before they are sent to the sectoral ministries would ensure the parties' insight into both the actual circumstances that form the basis of the professional authorities' assessment, and into the assessment itself.

The working group recognises that access at this stage will often face practical challenges. This is due, among other things, to the fact that the capacity of the NBHS and other agencies is limited, and that during a labour dispute they often work under severe time pressure. For example, the NBHS describes that county governors often have a reporting deadline of 12:00, and that they have until 14:00 for their report to the MHCS. Within this short time frame, the information must be read, assessed, and summarised. To the extent this is to be carried out, the time dimension/need for a quick decision must be decisive.

Submitting reports at this stage will also entail additional work for the agencies. If the information is to be disclosed, the agencies will have to make a preliminary assessment of which information may need to be redacted for reasons of confidentiality. This is also time and labour-intensive and will be a challenge in respect of the time aspect.

7.4.2.3 The central social partners are given access to the sectoral ministries' reports to the MLSI.

The sectoral ministries receive the reports from the subordinate agencies and forward these to the MLSI. Normally, the conclusion and reasons for this are summarised in the submission, and the report from the subordinate agency is enclosed.

In the working group's view, it could be desirable to have a greater degree of transparency regarding the authorities' basis for their assessment before a decision on intervention is made, given that it does not lead to adverse consequences. Insight into the sectoral ministries' assessments of the strike's consequences, which are sent to the MLSI, could contribute to this.

The overall reports from the sectoral ministries will rarely provide a detailed description of the actual circumstances on which the assessments are based. Access to these reports will therefore not necessarily give the parties a basis for correcting factual errors. At this stage, there will often not be time to wait for the parties' feedback either. Access to the reports at this stage will therefore not normally give the parties a real opportunity to correct any factual errors, but rather ensure they have ongoing knowledge of the overall assessments and of how imminent any intervention is.

Such knowledge will be able to influence the dispute. On the one hand, this could contribute to the parties taking further measures to prevent intervention becoming necessary, such as by making use of the exemption scheme. On the other hand, where one of the parties sees benefit from the dispute being stopped by the use of compulsory arbitration, this could weaken the willingness to negotiate and contribute to the dispute being steered towards an intervention. If the parties to the dispute and external parties are familiar with what is needed to prevent intervention, however, such a strategy will become more visible to the external parties. This could in turn contribute to the parties to the dispute being held responsible to a greater extent for not doing what is necessary to prevent the authorities from having to intervene.

If the reports are sent to the social partners, as of today, there is no basis for exempting them from public disclosure. This means that the press and other stakeholders will also have access to the information if they request it.

Certain instances of intervention also take place very quickly after the MLSI has received the reports from the sectoral ministries. In such cases, the reports will have to be sent to the parties almost in parallel with the minister calling for a meeting, and there will be little time for the stakeholders to brief their members in advance.

Before the MLSI sends out the overall reports, it will be necessary to review these and redact any confidential information. In such cases, the Ministry must establish procedures for this and ensure that it has the necessary resources in place to do this quickly.

The members of the working group from the employee side point out that, even today, there are often public discussions related to the consequences of ongoing industrial action. The fact that the social partners are given information about an imminent intervention will, in some cases, have a form of "internal medicinal effect" as a result of the trade union being able to prepare its members to a greater extent for an intervention and brief them on the basis for this.

A majority of the working group's members still believe that it would be unfortunate for professional authorities' assessments to be made known to external parties before intervention takes place. A public debate about an imminent intervention will mean that the

parties to the dispute have to spend resources on dealing with the press and media rather than finding a solution to the dispute. There is also reason to believe that the local employee representatives and businesses cited in the reports will have to deal with media enquiries in an already stressful work situation. When access to the reports to the MLSI does not necessarily enable the correction of factual errors, these members cannot see that the advantages of such a measure outweigh the disadvantages. Nor can it be ruled out that public disclosure of the professional authorities' assessments during the dispute could lead to increased pressure on the authorities to stop the strike and, in this way, contribute to intervention happening at an earlier point in time than today.

Some of the members of the working group raised questions about the possibility of establishing more informal dialogue between the authorities and the stakeholders in order to ensure increased transparency around the authorities' assessments and the correction of any factual errors before intervention. Seen in the light of, among other things, the rules on record keeping in the Archives Act[201], and the Freedom of Information Act, the working group came to the conclusion that it is not appropriate to proceed with this.

7.4.3 Recommendations of the working group

The working group has discussed possible measures that could give the social partners greater insight into the facts and any assessments that form the basis of intervention in the event of compulsory arbitration.

The public disclosure of the authorities' procedures for gathering information about the consequences of labour disputes has an intrinsic value. The provision of good information about these procedures to the social partners and the public is important.

The working group believes that the establishment of arrangements that ensure that local employee representatives are given access to the information that the business intends to report to the authorities could be a suitable measure to ensure that the authorities' assessments are based on a correct and complete set of facts. Moreover, the working group believes that the mere existence of a disagreement about the facts is, in itself, important information that should accompany the case. The extent to which it is possible to establish such arrangements, and how these should then be designed, will have to be concretely assessed by the collective bargaining parties.

The majority of the working group believes it is not appropriate to give the social partners access to the ministerial assessments of the consequences of the strike during the course of

[201] Act of 4 December 1992 no. 126 on archives.

the strike. This is because they do not want the authorities' assessments to be made public while the strike is ongoing. In light of the fact that current regulations do not allow the public to be denied access to the assessments if they are made known to the parties to the dispute, these members do not recommend such a measure.

A minority, consisting of members from *Unio, Akademikerne, and YS* believe that increased transparency regarding the authorities' assessments during the dispute has intrinsic value and the ability to foster trust in and the legitimacy of the system in the long term, and could contribute to corrections of actual errors along the way. Against this background, they believe that provision should be made for the social partners to have ongoing access to the authorities' assessments during the industrial action.

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Appendices

Appendix 1: Letter from the NBHS to the MHCS of 14 February 2014.

Appendix 2: LO-NHO and YS-NHO protocols on terms and procedures for exemption applications for the 2023 settlement.

Appendix 3: Letter from the working group's secretariat to the Ministry of Health and Care Services of 15 January 2024.

Appendix 4: Letter from the Ministry of Health and Care Services to the working group's secretariat of 1 February 2024.

Appendix 5: Note from Advokatfirmaet BAHR to Spekter – obtained on behalf of Spekter – dated 15 January 2024.

NORWAY

R E P O R T

for the period ending 31 May 2014, in accordance with article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

CONVENTION NO. 98 CONCERNING RIGHT TO ORGANISE AND COLLECTIVE BARGAINING, 1949

ratification of which was registered on 17 February 1955

I - II

Reference is made to previous reports.

A revised Labour Disputes Act (Act of 27 January 2012 No. 9) came into force on 1 March 2012, replacing the old labour disputes act of 1927. This was, however, merely a technical and linguistic revision of the act. The intention has been to make the act more up to date in the sense of making it easier to understand and to find your way in. The revision thus entails no changes in material law.

III

No decisions have been given by courts of law or other tribunals involving questions of principle relating to the application of the Convention.

IV - V

Reference is made to previous reports.

VI

This report has been forwarded to the members of the Norwegian Tripartite ILO Committee. We haven't received any comments to the report.

NORWAY

R E P O R T

for the period ending 31 May 2017, in accordance with article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

CONVENTION NO. 98 CONCERNING RIGHT TO ORGANISE AND COLLECTIVE BARGAINING, 1949

ratification of which was registered on 17 February 1955

I - II

Reference is made to previous reports.

III

No decisions have been given by courts of law or other tribunals involving questions of principle relating to the application of the Convention.

IV

Reference is made to previous reports.

V

This report has been forwarded to the members of the Norwegian Tripartite ILO Committee and we have received comments from the Norwegian Confederation of trade Unions (LO):

On 16.12.16, the Supreme Court ruled in the case between the Norwegian Transport Workers' Union (NTF) and Holship Norge AS (Holship). LO declared third party intervention for the benefit of NTF NTF while NHO (the Confederation of Norwegian Enterprise) and Bedriftsforbundet (Federation of enterprises) declared third party intervention ofor the benefit of Holship.

The case concerned the question of whether NTF legally could give notice of boycott of Holship. The purpose of the notified boycott was to support NTF's claim of a collective agreement (the Framework Agreement) which gave priority of engagement to load and unload for registered dockworkers in Drammen port. The priority of engagement clause in the Framework Agreement has been considered part of the fulfilment of Norway's obligations under ILO Convention No. 137. In previous reports, LO has pointed out that the Framework Agreement, as interpreted by the Norwegian Labor Court, has an exception for private ports which is incompatible with the ILO 137.

The Supreme Court heard the case in plenary assembly. A majority of 10 judges voted in favour of Holship's claim, against a minority of 7 judges in favour of NTF's claim. The majority found that the substance of the collective agreement and the notified boycott violated the right of establishment under Article 31 of the EEA-agreement. The Court found that a restriction of the collective agreement (Framework Agreement) was not in violation of the

freedom of association, including the right to collective bargaining and the right to strike, as set forth in Section 101 of the Norwegian Constitution, in conjunction with Article 11 of the European Convention of Human Rights, nor with other human rights conventions such as ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize, ILO Convention No. 98 on the Right to Organisz and Collective Bargaining, and the revised European Social Pact article 6, paragraphs 2 and 4.

According to LO and NTF, the Supreme Court's verdict is contrary to the above-mentioned conventions. LO and NTF therefore submitted a complaint on 15.06.17 to the European Court of Human Rights in Strasbourg. In anticipation of a decision, LO and NTF have not yet filed a complaint with the ILO or brought the matter to the enforcement agencies under the Social Pact, cf. the rejection clause in Article 35, paragraph (d) of the Convention on Human Rights.

Oslo 1. September 2017

NORWAY

R E P O R T

for the period ending 31 May 2021, in accordance with article 22 of the Constitution of the International Labour Organisation, from the Government of Norway, on the measures taken to give effect to the provisions of the

CONVENTION NO. 98 CONCERNING RIGHT TO ORGANISE AND COLLECTIVE BARGAINING, 1949

ratification of which was registered on 17 February 1955

I - II

Reference is made to previous reports.

III

With reference to the comments from the Norwegian Confederation of Trade Unions (LO) to the report submitted in 2017, please find enclosed the judgment from the European Court of Human Rights of June 10th 2021. The Court held, unanimously, that there had been no violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights. The judgement from the Supreme Court of Norway referred to in LOs comments, was forwarded to ILO in relation to Convention no.137 on September 8. 2017.

No other decisions have been given by courts of law or other tribunals involving questions of principle relating to the application of the Convention.

IV

Reference is made to previous reports.

V

This report has been forwarded to the social partners represented in the Norwegian tripartite ILO Committtee. We have not received any comments to the report.

Oslo, 1 September 2021

NORWAY

REPORT

for the period ending 31 May 2024, in accordance with article 22 of the Constitution of the International Labour Organization, from the Government of Norway, on the

CONVENTION NO 98 CONCERNING RIGHT TO ORGANISE AND COLLECTIVE BARGAINING, 1949
ratification of which was registered on 17 February 1955.

I-II

Reference is made to previous reports.

III

We are not aware of any given decisions concerning questions of principle relating to the application of the Convention by courts of law or other tribunals in the reporting period.

IV

Reference is made to previous reports.

V

This report has been communicated to the members of the Norwegian Tripartite ILO Committee, including the most representative organisation of employers, The Confederation of Norwegian Enterprise (NHO), and workers, The Norwegian Confederation of Trade Unions (LO).

We have received the following comment to this report and the report on C87 from and The Confederation of Unions for Professionals (Unio) on behalf of The Norwegian Nurses Organisation (NNO):

"The Norwegian Nurses Organisation (NNO) would like to point out that Norway's system concerning the right to strike and impartiality of the compulsory arbitration court, contains rules and regulations that imposes potential threats to the compliance of the conventions.

The right to strike
The right to strike is not explicitly included in the ILO Conventions referred to. However, the ILO has through its case-law considered the right to strike to be protected by the Conventions concerning the right to organise and the freedom of association.

NNO calls for a new system where the government, when assessing the need to end a strike due to national health or security issues, seeks contradiction from the labour organisations involved before making the decision. This is important to avoid undue involvement from national authorities in labour conflicts and by this ensuring the right to strike in accordance of the ILO conventions 87 and 98.

Impartiality of the compulsory arbitration court

The National Wages Board has by law a compound that consists of both neutral members and members from one selected employer's organisation and one worker's main organisation. The selected employer's and worker's organisations consists of one representative the Confederation of Norwegian Enterprise (NHO) and one from the Norwegian Confederation of Trade Unions (LO). Whilst the rules of appointment of judges ensures impartiality, the same is not the case for the appointees from the employer's and worker's organisations. In labour disputes concerning both their own organisation, as well as a competing organisation, a conflict of interests can easily occur. This poses an obvious threat to impartiality and the legitimacy of the system. NNO therefore calls for a system where this can be avoided and asks that measures be taken by the government to initiate appropriate changes."

International Labour Office

Consolidated Report on the application of ILO Conventions Nos 12, 42, 102, 128, 130, 168, 183 & the European Code of Social Security ratified by

Norway

June 2024

Norwegian Production Team

- The Norwegian Ministry of Labour and Social Inclusion
- The Norwegian Ministry of Children and Families
- The Norwegian Ministry of Health and Care Services

- Workmen's Compensation (Agriculture) Convention, 1921 (№ 12)
- Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (№42)
- Social Security (Minimum Standards) Convention, 1952 (№102)
- Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (№128)
- Medical Care and Sickness Benefits Convention, 1969 (№130)
- Employment Promotion and Protection against Unemployment Convention, 1988 (№168)
- Maternity Protection Convention, 2000 (№ 183)
- European Code of Social Security

➢ Please enter any modifications or new information using TRACK CHANGES function in MICROSOFT WORD.

➢ Where the text of the corresponding provisions of the ECSS and C102 has the same wording, the wording of C102 is taken as the basis, with eventual changes in the ECSS reproduced in brackets.

➢ Replies to pending questions raised by the CEACR may be provided in a box below the CEACR comments.

➢ In accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization, the report has been forwarded to the social partners represented in the Norwegian tripartite ILO Committee. We have not received any comments to the report.

All Norwegian legislation is available, free of charge, at the Lovdata website: http://www.lovdata.no/

The legislation pertaining to social insurance, as well as the relevant international social security coordination instruments (including bilateral social security agreements) ratified by Norway, may also be found at the Norwegian Labour and Welfare Administration's website: http://www.nav.no/

Part I. General provisions

The Part I "General provisions" comprises the following explanatory and procedural clauses:

- ***Articles 1-6 C102***
- ***Articles 1-6 ECSS***

Article 5. ECSS
Where, for the purpose of compliance with any of the Parts II to X of this Code which are to be covered by its ratification, a Contracting Party is required to protect prescribed classes of persons constituting not less than a specified percentage of employees or residents, that Contracting Party shall satisfy itself, before undertaking to comply with such part, that the relevant percentage is attained.

The National Insurance Scheme is residence-based, as a general rule covering all legal residents in Norway.

Eligibility to invalidity benefits

All legal residents, between the ages of 18 and 67, who become disabled and who have been insured at least five years[1] prior to the onset of the disability, are eligible for Disability Benefit. Persons with previous income from employment is guaranteed 66 per cent of their previous income, provided that they have been insured for at least 40 years. (Income exceeding 6 times the Basic amount[2] (B.a.) is not taken into account.)

Persons without previous income or with a low previous income are guaranteed a yearly minimum benefit through the residence-based coverage. The yearly minimum is 2.28 B.a. for persons living with a spouse/cohabitant, but 2.33 B.a. if the person prior to 31 December 2014 received a disability pension. For others, the yearly minimum is 2.48 B.a.

Insured persons who were born disabled or who became disabled before attaining the age of 26, are entitled to a higher yearly minimum benefit. The requirements of sickness and documentation are stricter than the requirements that apply for the general determination of disability. The yearly minimum is 2.66 B.a. for persons living with a spouse/cohabitant, and 2.91 B.a. for others.

About 75 per cent of the recipients of disability benefits are entitled to a benefit higher[3] than the minimum benefits (2.28–2.48 B.a.).

Eligibility to old age pensions

The income based old age pension is earned of all income (up to a ceiling of 7.1 B.a.). Therefore, all employees are covered: (a)/(b) = (2 845 307 /2 845 307) = 100 %.

However, through the residence-based coverage, all legal residents with at least five years of coverage are, when they attain the age of 67, secured a (proportional) minimum pension, irrespective of previous income.

[1] Changed from three years to five years, with effect from 1 January 2021.
[2] The Basic amount (B.a.) of the National Insurance Scheme is adjusted annually by the King, with effect from 1 May, in accordance with the increase in wages. The B.a. per 1 May 2024 is NOK 124 028.
[3] Before adjusting the benefit for degree of disability and length of insurance period.

Legal residents who have attained the age of 67, but who do not have five years of coverage, may be eligible for Supplementary Allowance (a scheme outside the scope of National Insurance Scheme), which grants benefits on a similar level as the minimum pension.

Eligibility to Cash Benefits due to Sickness

For eligibility to Cash Benefits due to Sickness from the National Insurance Scheme, the insured person must have a weekly income which after conversion to an annual income (weekly income x 52) constitutes at least 0.5 B.a. (as per 1 May 2024: 62 014 NOK). This means that in order to be eligible for sickness benefits, there is no requirement to have actually earned 0.5 B.a.

For eligibility to Cash Benefits due to Sickness from the National Insurance Scheme, the insured person must also have been in employment for at least four weeks immediately prior to the case of sickness. In 2022,[4] there were, 2 771 023 persons in Norway who had income from employment at least equal to 50 per cent of the average B.a.

In 2023, there were 2 845 307 employed persons in Norway between the ages of 15 and 74, according to Statistics Norway:

https://www.ssb.no/arbeid-og-lonn/statistikker/regsys/aar

Numbers from the work capacity statistics are of course not fully comparable to income statistics, as the age intervals are different. In addition, income statistics are limited to residents, while work capacity statistics are not.

However, the numbers given above suggest that in practice, more or less all employed persons are covered by the sickness benefit scheme.

We also draw your attention to the fact that all apprentices are covered by the sickness benefit scheme, as apprentices' annual income always exceeds 0.5 B.a.

Eligibility to Unemployment Benefit

All employees (wage earners) in Norway are insured under the National Insurance Scheme, and as such automatically covered by the Unemployment Benefits Scheme if they meet the general conditions of the scheme, including the condition of having had income from work of at least 1.5 B.a. the last 12 calendar months prior to the application date, or 3 B.a. the preceding 36 calendar months. Daily cash benefits in case of sickness granted for maternity related illnesses, pregnancy benefits and parental benefits are considered as equal to income from work in this respect.

Generally, 3 115 901 people had a positive salary income in 2022. Of these, 3 008 671 were under 67 years (b). In total, 2 539 573 employees under 67 years (a) had an income from work of 1.5 B.a. or more during the last 12 calendar months before the application date or an income from work of 3 B.a. or more during the last 36 calendar months before the application date.

[4] 2022 is the latest year for which statistics are available.

Hence, the percentage of employed persons being covered by Unemployment Benefit is not fully representative and correct, but it gives an indication of coverage: (a)/(b)= (2 539 573 /3 008 671) = 84.4 %

- ***Articles 1-6 C128***
- ***Articles 1-6 C130***

Part II. Medical Care

Norway has accepted the obligations resulting from Part II of the ECSS, Part II of C102 and Part II of C130.

List of applicable legislation

- Act relating to Patients' and Users' Rights of 2 July 1999 (pasient- og brukerrettighetsloven), with later amendments
- Specialist Health Care Act (spesialisthelsetjenesteloven) of 2 July 1999, with later amendments
- Act on Mental Health Care (psykisk helsevernloven) of 2 July 1999, with later amendments
- Act on Municipal Health Care (lov om kommunale helse- og omsorgstjenester) of 24 June 2011, with later amendments
- Act on Dental Health Care (tannhelsetjenesteloven) of 3 June 1983, with later amendments
- National Insurance Act (folketrygdloven) of 28 February 1997, with later amendments

II – 1. Regulatory framework

Article 7. C102 and ECSS
Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of benefit in respect of a condition requiring medical care of a preventive or curative nature in accordance with the following Articles of this Part.

Article 8. C130
Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of medical care of a curative or preventive nature in respect of the contingency referred to in subparagraph (a) of Article 7.

Pregnant women are screened for HIV and syphilis and ultrasound is used to establish the estimated date of delivery, the number of babies, etc. Furthermore, newborn babies are screened to detect rare congenital diseases.

The school health service also conducts health interview surveys and immunisation programmes in primary and secondary schools.

According to regulations, the school health services shall offer services to children and young people from 6 up to 20 years of age. Normally there is a physician connected to the school health services. All maternal and child health centres and school health services shall, if necessary, cooperate with the patient's/children's regular GPs ("fastleger").

In Norway, there are two national cancer screening programmes: (i) screening for breast cancer with mammography for all women between the ages of 50–69, every two years, and (ii) screening for cervical cancer for all women between the ages 25–69, every three years.

Figures from the National Vaccination Register show high vaccination coverage against infectious diseases in the Norwegian childhood vaccination programme. According to data from 2021, 97 per cent of 2-year-old infants were vaccinated against Haemophilus influenza type B and 97 per cent against diphtheria, tetanus, pertussis and polio. The vaccination coverage against measles, mumps and rubella (MMR-vaccine) for 2-year-olds was 97 per cent. Among 16-year-old adolescents, 94 per cent have been vaccinated against diphtheria and tetanus and 95 per cent against measles, mumps, rubella and polio.

Vaccination against tuberculosis is only recommended to risk groups. The HPV vaccine was introduced in the vaccination programme in 2009 and is offered to all 12-year-old girls. The vaccination coverage for HPV for 16 year old girls is 92 per cent.

Protecting the population against communicable diseases and preventing the spread of diseases in the population plays a central role in infection control efforts. This is achieved and followed up by means of national strategies and plans. In addition, the Communicable Disease Control Act ensures that the authorities put into effect the measures necessary to prevent the spread of infection and to coordinate their activities while ensuring that the protection accorded by law to the individual is maintained.

II - 2. Contingencies covered

Article 8. C102 and ECSS
The contingencies covered shall include any morbid condition, whatever its cause, and pregnancy and confinement and their consequences.

Article 1 (j). C130
The term "sickness" means any morbid condition, whatever its cause.

Article 7. C130
The contingencies covered shall include:
(a) need for medical care of a curative nature and, under prescribed conditions, need for medical care of a preventive nature.

The contingencies covered include medical care of a curative nature for any morbid condition, whatever its cause, and pregnancy and confinement and their consequences, as well as, under prescribed conditions, medical care of a preventive nature.

In Norway, provision of the types of medical care listed in Article 10(1) of C102/ECSS and Article 13 of C130 may not be limited in cases where the morbid condition is due to such causes as suicide attempts, actions caused by the abuse of alcohol or drugs, participation in a fight, etc.

(a)

As regards the provision in Article 13 (a) of C130, the medical care of a preventive nature provided by a regular GP ("*fastlege*") in Norway is normally closely integrated in the curative work on a daily basis. Among other things, the GPs get paid by the National Insurance Scheme according to a fixed fee per patient for each consultation (maximum 3 times per year) for motivating persons who suffer from high blood pressure, diabetes type 2 and/or obesity to change their lifestyle. This is an incentive for the GPs to design an individually adapted arrangement for each patient as regards nutrition and/or physical activity, instead of prescribing pharmaceuticals. The GPs also get paid according to a fixed fee per patient (maximum twice a year) for motivating persons to stop smoking cigarettes as part of the treatment of diseases. As mentioned under II-1 Regulatory framework, the GPs are often cooperating with personnel at the child health centres and school health services as regards medical care of a preventive nature.

During the covid-19 pandemic situation, the national insurance scheme has been temporarily changed to provide the GPs with incentives for identifying vulnerable patients.

GPs are now being reimbursed for doing risk assessment of their patient population to identify patients who have not seen their GP as expected. The GPs are also now being asked to proactively offer these patients GP services as needed.

(b), (c) and (d)

Inpatient specialized care is mainly provided by the hospital trusts owned by the regional health authorities (RHAs). The RHAs are owned and funded by the Norwegian state. Inpatient specialized care is also provided by a few privately owned non-commercial and commercial hospitals under contracts with the RHAs. Hospitals also provide outpatient specialist care in their outpatient departments.

There are outpatient departments for somatic care, mental health care, and substance abuse and addiction treatment. These departments also provide laboratory and radiology services. Outpatient specialist care is also provided by self-employed privately practising specialists (e.g. obstetricians, specialists in internal medicine, etc.), mostly working in their own practices under a contractual agreement with one of the RHAs. As regards pharmaceuticals and technical aids, there is a national reimbursement scheme that covers most pharmaceuticals and technical aids in the outpatient sector.

(e)

As regards the provision in Article 13 (e), the county authorities in Norway are responsible for providing dental health care to children and youth up to the age of 24, persons with intellectual disabilities and groups of elderly and disabled persons who receive care in health institutions or health services at home. According to the Act on Dental Health Care, dental care of a preventive nature is an important task for the county authorities. The responsibility includes organizing preventive actions towards the population as a whole, as well as providing regularly and outreaching dental services towards the groups of persons as mentioned initially. In addition, dentists get paid according to a fixed rate by the National Insurance Scheme for providing dental care of a preventive nature in cases of rare diseases, in cases where it is necessary to prevent infections in connection with special medical conditions and in cases where the patient due to illness has strongly reduced ability to take care of the dental health him- or herself.

(f)

As regards the provision in Article 13 (f), an insured person whose ability to function in everyday life is considerably and permanently reduced due to illness, injury or defect, is granted benefits in connection with measures necessary in order to improve his or her everyday life-function. This includes, but is not limited to, orthopaedic aids, prosthesis, wigs etc.

II - 3. Persons protected

Article 9. C102 and ECSS
The persons protected shall comprise:
(a) prescribed classes of employees, constituting not less than 50 per cent of all employees, and also their wives and children; or
(b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents, and also their wives and children; or

(c) prescribed classes of residents, constituting not less than 50 per cent of all residents.

Article 10. C130
The persons protected in respect of the contingency referred to in subparagraph (a) of Article 7 shall comprise:
(a) all employees, including apprentices, and the wives and children of such employees; or
(b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population, and the wives and children of persons in the said classes; or
(c) prescribed classes of residents constituting not less than 75 per cent of all residents.

Article 1(b). C102, Article 1(e). ECSS, Article 1(d). C130
The term "residence" means ordinary residence in the territory of the Member [Contracting Party concerned -ECSS] *and the term "resident" means a person ordinarily resident in the territory of the Member* [Contracting Party concerned-ECSS].

Article 12. C130
Persons who are in receipt of a social security benefit for invalidity, old age, death of the breadwinner or unemployment, and, where appropriate, the wives and children of such persons, shall continue to be protected, under prescribed conditions, in respect of the contingency referred to in subparagraph (a) of Article 7.

The insurance scheme is administered by public authorities, and as a general rule, every person legally resident in the Realm is protected. Reference is made to the explanations concerning the personal scope of the Scheme, given under Part XII of this report.

A. Recourse is had to the Article 9(c) of C102 and the Article 10 (c) of C130.

B. As a main rule, every person resident in the Realm is protected, with the exception of embassy personnel and other posted workers, who remain covered under the national insurance schemes of the posting state. On the other hand, as shown under Part XII of this report, persons who are working in Norway, but not residing in Norway will also be insured.

Norway has no register covering the persons insured under the National Insurance Scheme. However, as shown in the preceding paragraph, the number of insured persons will be approximately equal to the number of residents (residents plus non-resident workers, minus foreign workers posted to Norway, who are exempted from coverage through bilateral or multilateral instruments for social security coordination).

Number of persons protected (approximately equal to the total number of residents) is 5 550 203.

C. The number of persons insured is thus approximately 100 per cent of the number of residents.

C(a) (i) Number of protected residents:

Year	Number of residents
2011	4 920 305
2012	4 985 870
2013	5 051 275
2014	5 109 056
2015	5 165 802
2016	5 213 985

2017	5 258 317
2018	5 295 619
2019	5 328 212
2020	5 367 580
2021	5 425 270
2022	5 488 984
2023	5 550 203

C(b) The persons registered as resident in Norway – the number of residents on 1 January of each respective year:

Year	Number of residents
2011	4 920 305
2012	4 985 870
2013	5 051 275
2014	5 109 056
2015	5 165 802
2016	5 213 985
2017	5 258 317
2018	5 295 619
2019	5 328 212
2020	5 367 580
2021	5 425 270
2022	5 488 984
2023	5 550 203

(a/b) x 100 = 100 per cent

The statistical data concerning the number of residents in Norway, used under paragraph C, have been issued by Statistics Norway.

https://www.ssb.no/befolkning/statistikker/folkemengde/aar-per-1-januar

II - 4. Types of Benefit

§1. Article 10. C102 and ECSS
The benefit shall include at least:
(a) in case of a morbid condition,
(i) general practitioner care, including domiciliary visiting;
(ii) specialist care at hospitals for in patients and out patients, and such specialist care as may be available outside hospitals;
(iii) the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and
(iv) hospitalisation where necessary; and
(b) in case of pregnancy and confinement and their consequences,
(i) pre natal, confinement and post natal care either by medical practitioners or by qualified midwives;
(ii) hospitalisation where necessary.

Article 13. C130
The medical care referred to in Article 8 shall comprise at least:

(a) general practitioner care, including domiciliary visiting;
(b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
(c) the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners;
(d) hospitalisation where necessary;
(e) dental care, as prescribed; and
(f) medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopaedic appliances, as prescribed.

General practitioner care

As regards Article 10 (a)(i) in C102 and ESS and Article 13(a) in C130, persons who are registered in the National Registry ("folkeregisteret") as resident in a Norwegian municipality ("kommune"), have the right to be listed with a regular GP. The GP is imposed a duty to provide domiciliary visits on more detailed terms. The GPs are paid according to fixed rates by the National Insurance Scheme, for providing medical examinations and treatment, medical care of a preventive nature, domiciliary visits, requiring samples and x-rays etc.

Specialist health care service

Patients have a statutory right to "necessary health care" from the specialist health service. This gives entitlement to health care of a reasonable standard based on an individual evaluation of the patients' medical needs. Specialist health service covers the health services which are not provided by the municipal health service.

In order to reduce the waiting time for patients and in order to prioritize treatment and prevention regarding mental health and substance abuse and addiction treatment, the group of professions who may write referrals, was expanded in 2015. GPs (including prison GPs), psychologists, the municipal child care service and the social service may refer patients to substance abuse and addiction treatment, as well as other professions within the specialised health care service.

Dental care

As regards Article 13(a) in C130, the county authorities are responsible for providing dental care to certain groups of the population. In addition, patients with some medical conditions have the right to partial refund of the costs of dental care provided by private dentists and dental hygienists from the National Insurance Scheme.

Rehabilitation services

Rehabilitation is provided at both the primary level (physiotherapy, occupational therapy, etc.) and secondary level (specialized rehabilitation). As in other countries, Norway has in the last two decades also developed some intermediate rehabilitation services based on shared care between specialized and primary health care.

Primary care rehabilitation is provided in the community – in patients' homes, schools and institutions run by the municipalities (e.g. nursing homes). Services are provided by medical doctors, physiotherapists, nurses and midwives. Primary care rehabilitation is available for somatic as well as for psychiatric patients, and can be accessed through a referral from a primary care physician. Secondary care rehabilitation services are

provided in hospitals – in dedicated rehabilitation departments or other units, such as rheumatological or neurological departments. Rehabilitation, especially postoperative rehabilitation, may also be provided in private rehabilitation institutions contracted by the RHAs. This is free of charge if the patient is referred by a GP or a hospital.

In 2022[5], nearly 49 000 patients received rehabilitation care in hospitals and private institutions. Rehabilitation services for patients with specific conditions are also available in specialist hospitals (children's hospitals treating pulmonary conditions, asthma and allergy) and competence centres (e.g. competence centres on rare diseases).

Both municipalities and RHAs are responsible for the coordination of rehabilitation services. By 2018, all RHAs and 95 per cent of all municipalities have established a "coordination unit". The unit facilitates cooperation between health-care providers, the Labour and Welfare Service and user organizations. Coordination activities include the registration of rehabilitation needs; designing and following individual holistic rehabilitation plans (ensuring interdisciplinary approaches) and initiating, administrating and monitoring interdisciplinary rehabilitation groups, which constitute the core of cooperation between different service providers.

Prosthesis, spectacles, hearing-aids

Technical assistive aids are provided by Assistive Technology Centres ("*NAV hjelpemiddelsentraler*") under the Labour and Welfare Administration (*"Arbeids- og velferdsetaten"*). There are twelve centres throughout the country. Durable assistive aids and technology are considered property of the National Insurance Scheme, and must be handed in after use.

Aids related to medical treatment are provided by the RHAs.

The Assistive Technology Centres of the Labour and Welfare Service (*"Hjelpemiddelsentralen"*) has an overall and coordinating responsibility for disability assistance in their respective counties. The centres are resource and competence centres for solving disabled people's problems with regards to for example supply, maintenance and renewal of orthopaedic appliances.

Effective procurement, good product flow and reuse of aids are key words for the Assistive Technology Centres in Norway.

Pharmaceuticals

All pharmaceuticals, medical devices and technical aid that can be defined as essential or necessary are reimbursed in the outpatient sector.

Medical care in case of pregnancy and confinement and their consequences

The municipality health and care services are responsible for health care to all inhabitants. This includes care during pregnancy and for follow-up after the discharge

[5] 2022 is the latest year for which statistics are available.

from the delivery unit. The local authorities are also obliged to organize mother and child health centres, where most municipal midwives work, and to organize a regular general practitioner (GP) scheme. Both midwives and GPs may give prenatal care. (Pregnant women with risk pregnancies are followed up by the specialist health services).

The specialist health services are responsible for the first days of confinement and have to make sure that there is organized postnatal care in the municipalities before the woman and the child are discharged from the delivery unit (or hospital).

II - 5. Cost-sharing

§2. Article 10. C102 and ECSS
The beneficiary or his breadwinner may be required to share in the cost of the medical care the beneficiary receives in respect of a morbid condition; the rules concerning such cost-sharing shall be so designed as to avoid hardship.

Article 17. C130
Where the legislation of a Member requires the beneficiary or his breadwinner to share in the cost of the medical care referred to in Article 8, the rules concerning such cost sharing shall be so designed as to avoid hardship and not to prejudice the effectiveness of medical and social protection.

Paragraph 1.a (i) and (ii) and 2 of the Article 10 of C102 and ECSS, subparagraph a, b of the Article 13 of C130:

- *general practitioner care, including domiciliary visiting;*
- *specialist care at hospitals for in patients and out patients, and such specialist care as may be available outside hospitals;*

According to the Act on Municipal Health Care, the municipal authorities shall provide necessary primary health care to all persons residing or staying in the municipality. Some of the services for which the municipal authorities are responsible, are listed in Section 3-2 of the Act, but the list is not exhaustive.

The health services are financed partly through state block grants, reimbursements from the National Insurance Scheme, mainly according to fixed rates, and patient cost-sharing charges.

The reimbursement scheme laid down in the National Insurance Act includes costs of private providers who have an agreement with the municipality, such as regular GPs, physiotherapists and midwives. This is for instance regular GPs, physiotherapists and midwives, whose services contribute in fulfilling the responsibility of the municipal authorities, under the Act on Municipal Health Care.

The reimbursement scheme also covers other private providers who fall outside the responsibility of the municipal authorities, such as medical specialists outside hospitals, laboratories and radiology departments, dental care, psychologists, chiropractors, speech therapists and audiologists. In addition, the reimbursement scheme includes costs related to birth outside health institutions and pharmaceutical supplies given outside hospitals.

The cost-sharing rates are adjusted annually. From 1 July 2023, the cost-sharing rates are as follows:

Consultation	Expenses covered by the patient
Consultation by a GP – with evening, night or weekend surcharge	NOK 170 NOK 288
Home visit by a GP – with evening, night or weekend surcharge	NOK 230 NOK 368
Consultation and home visit by a specialist	NOK 224/269

There are several exemptions from cost-sharing. Children under the age of 16 are completely exempted from cost-sharing for the health services covered by cost-sharing ceiling. Children under age of 16 are exempted from cost-sharing for physiotherapy, children under the age of 18 are exempted from cost-sharing for psychotherapy. Up to and including the year in which the person concerned attains the age of 18, all necessary dental care provided by dentists at the county authorities is free, except orthodontic treatment. Youth aged 19–24 pay 25 per cent of costs for dental care provided by such dentists.

Other measures taken to avoid inflicting hardship in connection with cost-sharing:
There is a cost-sharing ceiling which relates to expenses for treatment by physicians and psychologists, important drugs and transportation expenses related to examination and treatment, physical therapy, some forms of dental treatment that is subject to reimbursement and accommodation fees at rehabilitation centres and treatment abroad. After the ceiling has been reached, a card is issued giving entitlement to free treatment and benefits as mentioned, for the rest of the calendar year.

The ceiling is set by the Parliament on a yearly basis. For 2024, the cost-sharing ceiling is set at NOK 3 165.

Paragraph 1.a (iii) of Article 10 of C102 and ECSS, subparagraph c of Article 13 of C130:

- *the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners*

Cost-sharing for important medicines is calculated as a percentage of the expenses: 50 per cent of each prescription. The maximum cost-sharing amount for each prescription is presently set to NOK 520.

For children under the age of 16, all important prescribed medicines are free.

There are several exemptions from cost-sharing, in addition to children under the age of 16 as already mentioned.

Persons who have attained the age of 67 and who are drawing full old-age pensions, are exempted from cost-sharing for important medicinal products, provided that the pension does not exceed the level of the minimum old-age pension. In addition, old-age pensioners, disability pensioners and persons receiving pensions from the collectively bargained AFP scheme, who receive special supplement from the National Insurance Scheme, are exempted from cost-sharing.

Paragraph 1.a (iv) of Article 10 of C102 and ECSS, subparagraph d of Article 13 of C130:

- *hospitalisation where necessary*

All insured persons are granted free accommodation and treatment, including medicines, in hospitals. This follows from the provisions of the Act on Specialist Health Care and the Act on Mental Health Care. In the case of treatment given outside hospitals, the provisions of the Act on Municipal Health Care and the National Insurance Act apply.

According to the Act on Municipal Health Care, the municipal authorities shall provide necessary primary health care to all persons resident or staying within the municipality. Some of the services imposed are listed in the Act, but the list is not exhaustive.

The services are financed partly through state block grants (*"rammetilskudd"*), reimbursement from the National Insurance Scheme, mainly according to fixed rates, and patient cost-sharing charges.

The reimbursement scheme laid down in the National Insurance Act includes costs of mainly private providers who have an agreement with the municipality such as regular GPs, physiotherapists and midwives. The reimbursement scheme also covers other private providers who fall outside the responsibility of the municipal authorities, such as medical specialists outside hospitals, laboratories and radiology departments, dental care, psychologists, chiropractors, speech therapists and audiologists. In addition, the reimbursement scheme includes costs related to birth outside health institutions and pharmaceutical supplies given outside hospitals.

Subparagraph (e) of the Article 13 of C130:

- *dental care, as prescribed*

Up to and including the year in which the person concerned attains the age of 18, all necessary dental care provided by dentists at the county authorities is free, except orthodontic treatment. Costs related to orthodontic treatment are reimbursed according

to fixed rates by the National Insurance Scheme. Youth aged 19–24 pay 25 per cent of costs for dental care provided by dentists at the county authorities.

Generally adults cover their dental expenses, but spesific treatment of dental diseases and necessary operations performed by private dentists are covered according to fixed rates by the National Insurance Scheme. This principle also applies to orthodontic treatment not only for children and youth, but for all age groups. The size of the fixed rates for dental care can vary a lot, dependant of the illness, relevant procedure, time spent etc.

Subparagraph (f) of the Article 13 of C130

- *medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopaedic appliances, as prescribed*

For persons with lasting health issues, assistive technology is covered by the National Insurance Scheme. In general, there are no cost-sharing on assistive technology such as wheelchairs, crutches and so on.

Orthopaedic aids are also covered by the National Insurance Scheme. For some specific orthopaedic aids, there are fixed rates, and some cost-sharing may apply. The orthopaedic aids need to reach a minimum cost in order to be reimbursed. For instance, orthopaedic footwear is given if the price exceeds NOK 665 for adults and NOK 405 for children. Compensation for wigs is limited to NOK 5 725 per year, with some exceptions.

The main purpose of the Norwegian cost-sharing arrangements is to protect each individual insured under the National Insurance Scheme from large expenses related to health care. This implies that a beneficiary of a breadwinner is not automatically included in a cost-sharing arrangement together with the breadwinner, but may benefit from the cost-sharing arrangements only if the beneficiary concerned meets the conditions as laid down for each arrangement.

II - 6. Objectives of Medical Care

§3. Article 10. C102 and ECSS, Article 9. C130
The benefit provided in accordance with this Article [the medical care referred to in Article 8-C130] *shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.*

Official website of the European Social Charter, link to conclusions

Article 11 - Right to protection of health. The European Social Charter. Conclusions 2013.
Paragraph 1 - Removal of the causes of ill-health. Right of access to health care
The report refers to information submitted in previous reports on the right to access to health care. The main piece of legislation is the Patients' Rights Act of 2 July 1999 No. 36 (called the Patient's and User's Rights Act as of 1 January 2012), which contributes to securing equal access to good quality health care for patients. It is complemented by other legal Acts in the field of health care (Health Personnel Act, the Specialised Health Services Act, the Municipal Health and Care Services Act and the Mental Health Protection Act).

In its previous conclusion the Committee noted that the Government had decided to initiate a strategy to reduce social inequalities in health, and asked to be kept informed on its implementation (Conclusions 2009). The report confirms that the strategy was launched in 2007. It is a broad, long-term strategy to level out the social inequalities in health, and includes actions in key areas such as:
(i) children – ensuring that all children have equal opportunities regardless of their parents' financial situation, education, ethnic identity and geographical identity.
(ii) working life – investments to promote a more inclusive labour market and steps to ensure a healthier working environment for all.
(iii) health services – investigation is taking place on the question of whether Norwegian health services are helping to level out health inequalities or if they are reinforcing them.
(iv) preventing social exclusion of marginalized groups, measures to promote inclusion in the workplace, inclusion at school and adapted health and social services.
(v) strengthening considerations for health and distribution of health in all sectors – including a review and reporting system for monitoring progress, cross-sectoral tools such as health impact assessments and more systematic policy planning in the municipalities.
The Committee refers to its previous conclusion for the regulations and practice in respect of waiting time for hospital treatment (Conclusions 2009). As regards the average waiting time for commencement of treatment for all patients, the report indicates that in the first four months of 2012 it was 74 days, a decrease of three days compared to the first four months of 2010. This applies to both patients who have the right to basic health assistance as well as those who require health assistance in a specialist healthcare service.
In the last examination the Committee adopted a general question addressed to all States on the availability of rehabilitation facilities for drug addicts, and the range of facilities and treatments. In response, the report indicates the regional health authorities are responsible for substance abuse treatment – interdisciplinary specialist treatment. This includes detoxification, emergency treatment, screening and specialist treatment (outpatient clinic or institution), institutional placement where the substance abuser can be detained without consent (coercion) and opioid replacement therapy. Whilst there are still challenges concerning waiting times for treatment, statistics show a positive trend. There has been a growth in interdisciplinary specialist treatment at all levels, and in the period April 2011 to April 2012 the average waiting time fell from 74 to 60 days.

Conclusion
The Committee concludes that the situation in Norway is in conformity with Article 11§1 of the Charter.

After a decline in the average waiting times for specialised treatment between 2012 and 2017, there has been an increase during the last few years. The yearly average was 74 days in 2012, 57 days in 2017, 60 days in 2019 while the yearly average in 2023 was 73 days.

II - 7. Promotion of the general health service

§4. Article 10. C102 and ECSS
The institutions or Government departments administering the benefit shall, by such means as may be deemed appropriate, encourage the persons protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

A public on-line health portal www.helsenorge.no has been established, containing information pages with quality-assured information on health, lifestyle, illness, treatment and rights and access to various health-related online services.

II - 8. Qualifying period

§1(f) Article 1 C102, §1(i) Article 1 ECSS, C130
The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

Article 11. C102 and ECSS
The benefit specified in Article 10 shall, in a contingency covered, be secured at least to a person protected who has completed, or whose breadwinner has completed, such qualifying period as may be considered necessary to preclude abuse.

Article 15. C130
Where the legislation of a Member makes the right to the medical care referred to in Article 8 conditional upon the fulfilment of a qualifying period by the person protected or by his breadwinner, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.

As a general rule, every person legally resident in the Realm is protected, that is to say covered by the National Insurance Scheme. Reference is made to the explanations concerning the personal scope of the Scheme, given under Part XII of this report. For eligibility to medical care there is no qualifying period as such. According to paragraph 2 of Section 2-1 of the National Insurance Act, a person is considered a resident of Norway when he/she is staying in Norway and the stay is meant to last or has lasted for at least 12 months. A person who moves to Norway, is considered a resident from the date of entry.

Persons insured under the National Insurance Scheme have the right to reimbursement of costs related to health care as described above under Part II-5 Cost-sharing. As a main rule, persons not insured under the Scheme have to pay the costs themselves. There are some exceptions from this principle when it comes to family members of an insured breadwinner, who are not insured under the Scheme themselves, but who are staying together with the breadwinner. Also, citizens from EEA countries and other foreign citizens from countries which have ratified bilateral social security agreements with Norway, are treated equally with residents as regards reimbursement of health care costs and cost-sharing.

Persons insured under the National Insurance Scheme are entitled to necessary health care from the municipality and the specialist health services. According to regulations under the Act on Patients' and Users' Rights, persons who are not considered as either residents, insured under the Scheme or covered by the EEA Agreement or bilateral agreements on social security between Norway and other countries, will during a stay in Norway have more limited rights to access to health care.

Anyone who is on a temporary stay in Norway, regardless of whether the stay is legal or illegal, is entitled to emergency aid. In addition, anyone staying in Norway is entitled to health care that cannot be postponed without the risk of imminent death, permanent severe disability or injury, or severe pain. Everybody is also entitled to assessment from the specialist health services as to whether health care is necessary, and everybody has the right to abortion. The right to health care also includes mental health care. All children staying in Norway are, as a main rule, entitled to necessary medical care. This also applies to expecting mothers. Persons without permanent residence must as a general rule pay

for the health care. However, payment in advance cannot be required in cases concerning emergency aid and specialist health care that cannot be postponed.

According to a regulation under the Act on Patients' and Users' Rights, persons who are registered in the National Registry ("folkeregisteret") as resident in a Norwegian municipality ("kommune"), have the right to be listed with a regular GP. In order to be registered in the National Registry as resident, the person concerned must, unless he/she is an EEA/EFTA-national, have been granted a residency permit. The person concerned must also have the intention of staying in Norway for at least six months, even if the stay is meant to be temporary. Foreign nationals, both from other EEA states and from states outside the EEA who are associated with diplomatic or paid consular representations in the Kingdom, employees in intergovernmental organizations or convention bodies, and contractors for intergovernmental organizations or convention bodies, are entitled to be listed with an RGP, even if they are not registered in the National Registry.

II - 9. Minimum duration of benefit

Article 12. C102 and ECSS
The benefit specified in Article 10 shall be granted throughout the contingency covered, except that, in case of a morbid condition, its duration may be limited to 26 weeks in each case, but benefit shall not be suspended while a sickness benefit continues to be paid, and provision shall be made to enable the limit to be extended for prescribed diseases recognised as entailing prolonged care.

Article 16. C130
1. The medical care referred to in Article 8 shall be provided throughout the contingency.
2. Where a beneficiary ceases to belong to the categories of persons protected, further entitlement to medical care for a case of sickness which started while he belonged to the said categories may be limited to a prescribed period which shall not be less than 26 weeks: Provided that the medical care shall not cease while the beneficiary continues to receive a sickness benefit.
3. Notwithstanding the provisions of paragraph 2 of this Article, the duration of medical care shall be extended for prescribed diseases recognised as entailing prolonged care.

As a general rule, every person legally resident in the Realm is protected. Reference is made to the explanations concerning the personal scope of the Scheme, given under Part XII of this report.

The medical care is provided throughout the contingency.

II - 10. Suspension of Benefit

See under Part XIII-1

Article 28. C130
1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed:
(a) as long as the person concerned is absent from the territory of the Member;
(b) as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;
(c) where the person concerned has made a fraudulent claim;
(d) where the contingency has been caused by a criminal offence committed by the person concerned;
(e) where the contingency has been caused by the serious and wilful misconduct of the person concerned;

(f) where the person concerned, without good cause, neglects to make use of the medical care or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;

As regards Article 28 (a) in C130, reference is made to Part XII concerning the personal scope of the National Insurance Scheme. As a general rule, all persons who are legally resident in Norway will be compulsory insured under the Scheme. Persons falling outside of the personal scope, will no longer be insured under the National Insurance Scheme. Termination of insurance does, however, not automatically lead to suspension of all benefits and services. This varies from benefit to benefit. Medical care is paid abroad as long as the person concerned is still insured under the National Insurance Scheme.

Norway has established bilateral social security agreements with several countries. A few of these contain provisions concerning medical treatment. In addition, Norway has established separate agreements with Australia, Hungary and the United Kingdom concerning medical treatment during a temporary stay in the territory of each of the contracting parties.

According to the EEA Agreement, cf. Regulation (EC) 883/2004, an insured citizen of an EU/EEA state has the right to health care which becomes necessary during a temporary stay in another EU/EEA state. The content and coverage of the health care depends on the national legislation of the state where the care is given. An insured EU/EEA citizen may under certain conditions have the right to a prior authorization when the purpose is travelling to another EU/EEA state in order to have planned medical treatment. The expenses are covered by the competent state where the person concerned is insured.

These agreements may extend or limit the provisions otherwise in force.

As regards Article 28 (b), (d) and (e), the National Insurance Act contains no legal provisions concerning the suspension of benefits in such cases.

As regards Article 28 (c): if an assessment of the case shows that the person concerned does not meet the requirements for entitlement to the benefit (reimbursement of costs of health care), the application for a benefit will of course be rejected or a granted benefit will be terminated, irrespective of whether the incorrect information was given intentionally ("a fraudulent claim") or by mistake. This will, however, not affect any future claim for the same benefit if the person concerned should meet the requirements at a later stage.

In Norway, the majority of private health care providers have entered into an agreement with the Health Economic Administration (HELFO) on direct settlement of the reimbursement. This means that the patient only pays the cost-sharing charges. If the private health care provider has made a fraudulent reimbursement claim towards HELFO, the agreement between the provider and a RHA can be terminated. As a consequence, the provider may be deprived not only the right to reimbursement, but also other related rights, for example the right to issue sick leave certificates, the right to issue reports

connected to medical examinations and the right to prescribe pharmaceuticals covered by the National Insurance Scheme.

As regards Article 28 (f), there are no legal provisions concerning the suspension of benefits in such cases.

II - 11. Right of complaint and appeal

See under Part XIII-2

Article 29. C130
1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.
2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

Reference is made to the explanations concerning the right of complaint and appeal provided under Part XIII–2 of this report.

The provisions of the Public Administration Act mentioned in Part XIII–2 also apply to those health care benefits which are a part of the National Insurance Scheme.

If the person concerned lodges an appeal, the matter will initially be re-evaluated by the office within the Health Economic Administration ("*HELFO"*) which made the original decision. If they do not find any reason to change the decision, they will forward the matter to the National Office for Health Service Appeals (*"Helseklage"*). If the Appeals Office also upholds the decision, the person concerned will be informed that the matter may be appealed further to the National Insurance Court of Appeal ("*Trygderetten*"), which is a separate body, independent of both the Health Economic Administration and the Labour and Welfare Service.

The decisions of the National Insurance Court of Appeal as regards health care benefits may, with some exceptions, be brought before the ordinary courts of justice.

Further information about the right of complaint and appeal may be found on the following website:

https://helseklage.no/forside/om-nasjonalt-klageorgan-for-helsetjenesten/information-in-english

In addition to the possibility of lodging appeals concerning decisions made by the Health Economic Administration concerning reimbursement of health care costs, one may also complain about the health services received.

Patients who believe that they are not receiving the health services to which they are entitled, or disagree with the health service's assessment of their treatment needs, have the right to complain. Complaints should be sent to the person or body that made the disputed decision, so that the case may be reassessed. If the decision is upheld, the complaint will be forwarded to the County Governor for a final decision. The County Governor's decision is final, and the health services in question will have to comply with this. The County Governor's decision may, however, be brought before the ordinary courts of justice.

Furthermore, complaints concerning both health care benefits provided by the National Insurance Scheme and health services provided by public and private health care providers, may be lodged with the Parliamentary Ombudsman (*"Sivilombudet"*).

II - 12. Financing and Administration

See under Part XIII-3

Article 30. C130
1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

Article 31. C130
Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature:
(a) representatives of the persons protected shall participate in the management under prescribed conditions;
(b) national legislation shall, where appropriate, provide for the participation of representatives of employers;
(c) national legislation may likewise decide as to the participation of representatives of the public authorities.

1. Persons insured under the National Insurance Scheme are entitled to reimbursement of expenses for health care, as mentioned in Chapter 5 of the National Insurance Act. Persons insured under the National Insurance Scheme are also entitled to access to necessary health care from the municipality and specialist health services provided by the RHAs. Reference is made to the explanations concerning qualifying period, given under Part II-8 of this report. Health care is generally financed through state block grants ("*rammetilskudd*"), reimbursement of costs based on fixed rates from the National Insurance Scheme and patients' fees.

Reference is made to the explanations concerning financing of the National Insurance Scheme provided under Part XIII–3.

2. The administration of the scheme is directly regulated by a public authority.

Part III. Sickness Benefit

Norway has accepted the obligations resulting from Part III of the ECSS, as amended

List of applicable legislation

- National Insurance Act *(folketrygdloven)* of 28 February 1997, with later amendments
- Child Benefit Act *(barnetrygdloven)* of 8 March 2002, with later amendments

III - 1. Regulatory framework

Article 13. ECSS
Each Contracting Part for which this Part of this Code is in force shall secure to the persons protected the provision of sickness benefit in accordance with the following Articles of this Part.

Article 18. C130
Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of sickness benefit in respect of the contingency referred to in subparagraph (b) of Article 7.

According to the National Insurance Act, an insured person with an income which (when recalculated on an annual basis) would equal an annual income of 0.5 B.a. (NOK 62 014), is entitled to daily cash benefits in the case of sickness if he/she is incapable of working due to sickness. It is, as a general rule, required that the occupational activity has lasted for at least 4 weeks prior to onset of sickness.

Daily cash benefits in case of sickness for employees equal 100 per cent of pensionable income, up to a ceiling of 6 B.a. (NOK 744 168), and are paid from the first day of sickness for a period of 260 days (52 weeks). Daily cash benefits in the case of sickness are paid by the employer for the first 16 calendar days, and thereafter by the National Insurance Scheme. During the period in which daily cash benefits are paid by the employer, no minimum income level is required. The benefit does not compensate for the part of the income (if any) which exceeds the aforementioned ceiling of 6 B.a. (NOK 744 168). However, large groups of employees are entitled to have this part of their income compensated by their employers, based on collective agreements.

Self-employed persons get sickness benefits corresponding to 80 per cent of their pensionable income from the 17th day of sickness for a period of 248 days.

By voluntarily paying a higher rate of contributions, self-employed persons may receive:

- sickness benefits corresponding to 80 per cent of their pensionable income from the first day of sickness,

- sickness benefits corresponding to 100 per cent of their pensionable income from the seventeenth day of sickness, or

- sickness benefits corresponding to 100 per cent of their pensionable income from the first day of sickness.

The old-age pension is not reduced in cases where the pensioner is earning an income from occupational activity. Daily cash benefits in the case of sickness may be granted to insured persons between 62 and 67 years of age, irrespective of whether they have started to draw their old-age pensions. Insured persons between 67 and 70 years of age are entitled to daily cash benefits in the case of sickness for up to 60 days, if their weekly income at time of sickness exceeds 2 B.a. on an annual basis (As per 1 May 2024: NOK 248 056). Daily cash benefits in the case of sickness are not granted to insured persons who have attained the age of 70.

III - 2. Contingency covered

Article 14. ECSS
The contingency covered shall include incapacity for work resulting from a morbid condition and involving suspension of earnings, as defined by national laws or regulations.

Article 1 (j). C130
The term "sickness" means any morbid condition, whatever its cause.

Article 7 (b). C130
The contingencies covered shall include
(b) incapacity for work resulting from sickness and involving suspension of earnings, as defined by national legislation.

According to paragraph 1 of Section 8-4 of the National Insurance Act, persons who have an incapacity for work due to a functional impairment which clearly is a result of sickness or injury, are entitled to sickness benefits. In accordance with paragraph 1 of Section 8-13, the work capacity must be reduced by at least 20 per cent in order to be entitled to (partial) sickness benefits.

III - 3. Persons protected

Article 15. Protocol to the ECSS
The persons protected shall comprise:
(a) prescribed classes of employees, constituting not less than 80 per cent of all employees; or
(b) prescribed classes of the economically active population, constituting not less than 30 per cent of all residents; or
(c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.

The term "sickness" is not directly defined in the National Insurance Act. Relevant guidelines (guidelines to Sections 8-4 and 12-6 of the National Insurance Act) state that what is considered "sickness" should follow the definition of sickness found within medical science and generally recognized medical practice. In this sense, the definition of "sickness" in the National Insurance Act is dynamic, as its content will change according to progress within medical science etc.

Article 19. C130
The persons protected in respect of the contingency specified in subparagraph (b) of Article 7 shall comprise:
(a) all employees, including apprentices; or
(b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population; or

(c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 24.

A. Recourse is had to Article 15 (a) of C102/ECSS

The Norwegian National Insurance Scheme is administered by public authorities, and all employees are insured under the Scheme. Entitlement to Sickness Benefits do, however, require that the insured person has been in employment for at least four weeks immediately prior to the case of sickness, and that the insured person's weekly income, converted to annual income, constitutes no less than 0.5 B.a. (NOK 62 014).

B. and C. Reference is made to the calculations below concerning the percentage of all employees which would be entitled to Sickness Benefit.

1. Recourse is had to subparagraph b) of Article 19 of C130.

2. All persons with an income which (when recalculated on an annual basis) equal an annual income of 0.5 B.a. Daily cash benefits during unemployment, sickness, maternity and adoption are regarded as equal to income from work.

3. B (a) (i) All persons with an annual income of at least 50 per cent of the average basic amount in 2022[6]: 2 771 023.

(b) All occupationally active persons (employees and self-employed) in 2023 (annual average per 4. Quarter): 2 845 307. This is according to Statistics Norway, counting the number of employed person in Norway between the ages of 15 and 74. https://www.ssb.no/arbeid-og-lonn/statistikker/regsys/aar).

(c) The figures given above are not comparable and only attempt to show the approximate range of figures. However, the numbers given suggest that in practice, more or less all employed persons were covered by the sickness benefit scheme in 2023.

III - 4. Level and Calculation of Benefit

Article 16. ECSS

1. Where classes of employees or classes of the economically active population are protected, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.

2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67; [provided that a prescribed benefit shall be guaranteed, without means test, to the prescribed classes of persons determined in accordance with Article 15. a or b - ECSS].

Article 21. C130

The sickness benefit referred to in Article 18 shall be a periodical payment and shall:

(a) where employees or classes of the economically active population are protected, be calculated in such a manner as to comply either with the requirements of Article 22 or with the requirements of Article 23;

(b) where all residents whose means during the contingency do not exceed prescribed limits are protected, be calculated in such a manner as to comply with the requirements of Article 24.

[6] 2022 is the latest year for which statistics are available.

Daily cash benefits for employees equal 100 per cent of pensionable income and are paid from the first day of sickness for a period of 260 days (52 weeks).

Self-employed persons get sickness benefits corresponding to 80 per cent of their pensionable income from the 17th day of sickness, for a period of 248 days (49.6 weeks).

By voluntarily paying a higher rate of contributions, self-employed persons may receive:

- sickness benefits corresponding to 80 per cent of their pensionable income from the first day of sickness,
- sickness benefits corresponding to 100 per cent of their pensionable income from the seventeenth day of sickness, or
- sickness benefits corresponding to 100 per cent of their pensionable income from the first day of sickness.

Article 65, Title I, II, and V of C102, Article 22, Title I, II (Article 21 (a)) of C130

A.
Reference is made to paragraph 3 of article 22 of C130.
Sickness benefit equals the hourly gross wages and is taxed as earned income. It is paid for five days a week for a total period of 260 days (52 weeks). The benefits are paid by the employer for the first 16 calendar days, and thereafter by the National Insurance Scheme.

Maximum sickness benefit is 6 times the B.a. :
NOK 124 028 x 6 = NOK 744 168 per year

The highest daily rate of sickness benefit at the end of the reporting period is:

$$\frac{\text{NOK 744 168}}{260} = \text{NOK 2 862}$$

Sickness benefit is not granted for that part of a person's income which exceeds 6 times the B.a.

During the report period the B.a. has been changed as follows:

Year	Period	Amount (NOK)
2011	1 Jan – 30 Apr	75 641
	1 May – 31 Dec	79 216
	Annual average	78 024
2012	1 Jan – 30 Apr	79 216
	1 May – 31 Dec	82 122
	Annual average	81 153
2013	1 Jan – 30 Apr	82 122
	1 May – 31 Dec	85 245
	Annual average	84 204

2014	1 Jan – 30 Apr	85 245
	1 May – 31 Dec	88 370
	Annual average	87 328
2015	1 Jan – 30 Apr	88 370
	1 May – 31 Dec	90 068
	Annual average	89 502
2016	1 Jan – 30 Apr	90 068
	1 May – 31 Dec	92 576
	Annual average	91 740
2017	1 Jan – 30 Apr	91 740
	1 May – 31 Dec	93 634
	Annual average	93 281
2018	1 Jan – 30 Apr	93 634
	1 May – 31 Dec	96 883
	Annual average	95 800
2019	1 Jan – 30 Apr	96 883
	1 May – 31 Dec	99 858
	Annual average	98 866
2020	1 Jan – 30 Apr	99 858
	1 May – 31 Dec	101 351
	Annual average	100 853
2021	1 Jan – 30 Apr	101 351
	1 May – 31 Dec	106 399
	Annual average	104 716
2022	1 Jan – 30 Apr	106 399
	1 May – 31 Dec	111 477
	Annual average	109 784
2023	1 Jan – 30 Apr	111 477
	1 May – 31 Dec	118 620
	Annual average	116 239
2024	1 Jan – 30 Apr	118 620
	1 May – 31 Dec	124 028
	Annual average	122 225

Recourse is had to Article 65 of the Code, Article 65 of C102 and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2023, the average annual pay for male full-time employees in this category was NOK 540 720.

B.

The gross annual wage of the standard beneficiary, computed on the bases of wage per hour, excluding payment for overtime and shift work, amounted to:

Year	Amount (NOK)
2011	389 000
2012	396 000
2013	402 000
2014	415 200
2015	422 400
2016	435 600
2017	435 240

2018	455 880
2019	474 000
2020	468 600
2021	488 520
2022	512 400
2023	540 720

C.
The standard beneficiary is a skilled manual male employee with wife and two children. The sickness benefit equals the gross wage.

The sickness benefit of the standard beneficiary amounted to (52 weeks, including 16 days paid by employer):

Year	Amount per year (NOK)	Amount per day (NOK)
2011	389 000	1 496
2012	396 000	1 523
2013	402 000	1 546
2014	415 200	1 597
2015	422 400	1 625
2016	435 600	1 675
2017	435 240	1 674
2018	455 880	1 753
2019	474 000	1 823
2020	468 600	1 802
2021	488 520	1 879
2022	512 400	1 971
2023	540 720	2 080

D.
Child benefit – payable during employment = NOK 39 312

E.
Child benefit – two children = NOK 39 312

Total Child benefit during contingency = NOK 39 312

The amount of Child benefit used is the ordinary rate for two children, one child under 6 years of age and one child above the age of 6.

F.
Sum of benefits payable under contingency (D+F) as a percentage of the sum of the standard wage and Child benefit payable under employment (C+E)

Year		C: Wage per year (NOK)	D: Sickness benefit per year (NOK)	E = F: Child benefit per year (NOK)	Total per year (NOK)	Percentage: $\frac{(D+F) \times 100}{(C+E)}$
2011	D+F		380 400	23 280	403 680	100
	C+E	380 400			403 680	

2012	D+F		396 000	23 280	419 280	100
	C+E	396 000			419 280	
2013	D+F		402 000	23 280	425 280	100
	C+E	402 000			425 280	
2014	D+F		415 200	23 280	438 480	100
	C+E	415 200			438 480	
2015	D+F		422 400	23 280	445 680	100
	C+E	422 400			445 680	
2016	D+F		435 600	23 280	458 880	100
	C+E	435 600			458 880	
2017	D+F		435 240	23 280	458 520	100
	C+E	435 240			458 520	
2018	D+F		455 880	23 280	479 160	100
	C+E	455 880			479 160	
2019	D+F		474 000	25 296	497 280	100
	C+E	474 000			497 280	
2020	D+F		468 600	28 896	497 496	100
	C+E	468 600			497 496	
2021	D+F		488 520	32 496	521 016	100
	C+E	488 520			521 016	
2022	D+F		512 400	32 760	545 160	100
	C+E	512 400			545 160	
2023	D+F		540 720	39 312	580 032	100
	C+E	540 720			580 032	

Please note that the method for calculating the income of the standard beneficiary, used in the reports, has changed during the period shown in the table above, so the amounts are not fully comparable.

However, irrespective of the method of calculation, the table shows that the Sickness Benefit Scheme of the Norwegian National Insurance Scheme gives full compensation (up to an income of 6 B.a.).

III - 5. Qualifying period

§1(i) Article 1 ECSS, C130
The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

Article 17. ECSS
The benefit specified in Article 16 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

Article 25. C130
Where the legislation of a Member makes the right to the sickness benefit referred to in Article 18 conditional upon the fulfilment of a qualifying period by the person protected, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.

As a main rule, employment or self-employment must have lasted for at least four weeks before an insured person is entitled to sickness benefit. (This requirement does not, however, apply in cases of occupational injury.)

III - 6. Minimum duration of Benefit

Article 18. Protocol to the ECSS
The benefit specified in Article 16 shall be granted throughout the contingency, except that it need not be paid for the first three days of suspension of earnings and may be limited to 52 weeks in each case of sickness or to 78 weeks in any consecutive period of three years.

Article 26. C130
1. The sickness benefit referred to in Article 18 shall be granted throughout the contingency: Provided that the grant of benefit may be limited to not less than 52 weeks in each case of incapacity, as prescribed.
2. Where a declaration made in virtue of Article 2 is in force, the grant of the sickness benefit referred to in Article 18 may be limited to not less than 26 weeks in each case of incapacity, as prescribed.
3. Where the legislation of a Member provides that sickness benefit is not payable for an initial period of suspension of earnings, such period shall not exceed three days.

Daily cash benefits for employees equal 100 per cent of pensionable income, and are paid from the first day of sickness for a period of 260 days (52 weeks).

Self-employed persons get sickness benefits corresponding to 80 per cent of pensionable income from the 17th day of sickness for a period of 248 days.

In accordance with paragraph 2 of Section 8-12 of the National Insurance Act, the entitlement to 260 benefit days is renewed for each new case of sickness, provided that the person has been fully employable for 26 weeks after the last case of sickness. In addition, the person must fulfil other relevant sickness benefit eligibility requirements, such as requirements concerning income level and period of employment.

III - 7. Funeral Benefit

Article 27. C130
1. In the case of the death of a person who was in receipt of, or qualified for, the sickness benefit referred to in Article 18, a funeral benefit shall, under prescribed conditions, be paid to his survivors, to any other dependants or to the person who has borne the expense of the funeral.
2. A member may derogate from the provision of paragraph 1 of this Article where: (a) it has accepted the obligations of Part IV of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967;
(b) it provides in its legislation for cash sickness benefit at a rate of not less than 80 per cent of the earnings of the persons protected; and
(c) the majority of persons protected are covered by voluntary insurance which is supervised by the public authorities and which provides a funeral grant.

Irrespective of whether the deceased was in receipt of, or qualified for, a sickness benefit, a means-tested lump-sum of maximum NOK 28 677 may be granted by the National Insurance Scheme, in order to cover expenses in connection with the funeral.

III - 8. Suspension of Benefit

Article 28. C130
1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed:
(a) as long as the person concerned is absent from the territory of the Member;

(b) as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;
(c) where the person concerned has made a fraudulent claim;
(d) where the contingency has been caused by a criminal offence committed by the person concerned;
(e) where the contingency has been caused by the serious and wilful misconduct of the person concerned;
(f) where the person concerned, without good cause, neglects to make use of the medical care or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;
(g) in the case of the sickness benefit referred to in Article 18, as long as the person concerned is maintained at public expense or at the expense of a social security institution or service; and
(h) in the case of the sickness benefit referred to in Article 18, as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, subject to the part of the benefit which is suspended not exceeding the other benefit.
2. In the cases and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.

Reference is made to information provided under Part XIII–1.

Article 68 regarding suspension of benefits

A benefit to which a person protected would otherwise be entitled in compliance with Part III of this Code may be suspended:
(a) as long as the person concerned is absent from the territory of the Contracting Party concerned;

Paragraph 1 of Section 8-9 of the National Insurance Act states that Sickness Benefits may only be granted to persons staying in Norway. Staying in another EEA country is also treated as staying in Norway. This applies for EEA-citizens. However, exemptions may be made, see paragraphs 2 and 3 of Section 8-9 of the National Insurance Act.

(b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to a portion of the benefit being granted to the dependants of the beneficiary.

Section 8-53 of the National Insurance Act governs the right to Sickness Benefits while admitted to a social security institution or service at public expense. As a general rule, Sickness Benefits are granted in full during the month of admittance and the three following months. Thereafter, the benefits are reduced by 50 per cent.

However, a recipient who is maintaining his or her spouse or child, is not subject to a reduction of Sickness Benefits while admitted to a social security institution or service at public expense.

(c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit of the indemnity by a third party.

Sections 8-48 to 8-50 and Section 8-52 of the National Insurance Act govern entitlement to Sickness Benefits if a person is also a recipient of other public benefits or pensions.

According to paragraph 2 of Section 8-48 of the National Insurance Act, a person who fulfils the conditions for both Sickness Benefits and Work Assessment Allowance, must initially use the right to Sickness Benefits. If the calculated Sickness Benefits is less then 2 B.a., the member is entitled to choose benefit.

According to paragraph 1 of Section 8-49 of the National Insurance Act, a person who receives Unemployment Benefits is entitled to Sickness Benefits from the first day of his or her illness. This also applies to persons who become ill while in receipt of severance pay in accordance with the Civil Service Act or in receipt of interim pay in accordance with the Public Service Pension Fund Act.

According to Section 8-50 of the National Insurance Act, a person in receipt of Disability Benefits is entitled to Sickness Benefits calculated on the basis of his or her employment income, in addition to the Disability Benefit.

According to Paragraph 1 of Section 8-51 of the National Insurance Act, a person between the ages of 62 and 70 is entitled to Sickness Benefits regardless of whether he or she is in receipt of Old Age Pension, provided that the person has an income basis of at least 2 B.a (NOK 248 056). However, according to Paragraph 1 of Section 8-52 of the National Insurance Act, a person in receipt of full contractual early retirement pension is not entitled to Sickness Benefits, but some exceptions do apply.

(d) where the person concerned has made a fraudulent claim.

If a person has made a fraudulent claim and as such does not fulfil the requirements of the specific benefit, the decision to grant the benefit may be reversed in accordance with the Public Administration Act Section 35, effectively suspending the benefit. The benefit may also be suspended in accordance with paragraph 1 of Section 21-7 of the National Insurance Act if the person knowingly provides false information. If a person has received any benefit on the basis of a fraudulent claim, he or she may be instructed to pay back the full amount of the benefit, in accordance with Section 22-15 of the National Insurance Act.

(e) where the contingency has been caused by a criminal offence committed by the person concerned.

Reference is made to the answer given under (d).

(f) where the contingency has been caused by the wilful misconduct of the person concerned.

Paragraph 2 of Section 21-8 of the National Insurance Act states that a benefit may be suspended if the recipient's actions may aggravate his or her health condition or prolong his or her incapacity to work. In order to suspend the benefit in accordance with this provision, it is required that the recipient should understand that his or her actions may have such consequences.

(g) in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for

verifying the occurrence or continuance of the contingency or for the conduct of the beneficiaries.

In accordance with paragraph 1 of Section 21-8 of the National Insurance Act, the benefit may be suspended if a person without just cause refuses to make use of medical treatment or rehabilitation services placed at his or her disposal. In accordance with Section 21-7 of the National Insurance Act, the benefit may also be suspended if a person refuses to provide relevant information necessary to verify his or her rights and duties in accordance with the National Insurance Act. Paragraphs 2 and 3 of Section 8-8 of the National Insurance Act prescribe rules for the conduct of sickness benefit recipients, and state that benefits may be suspended if the person fails to comply with these rules.

(h) to (j)

N/A

III - 9. Right of complaint and appeal

Article 29. C130
Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.

Reference is made to information provided under Part XIII–2.

III - 10. Financing and Administration

Article 30. C130
1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

Article 31. C130
Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature:
(a) representatives of the persons protected shall participate in the management under prescribed conditions;
(b) national legislation shall, where appropriate, provide for the participation of representatives of employers;
(c) national legislation may likewise decide as to the participation of representatives of the public authorities.

Reference is made to information provided under Part XIII–3.

The insurance scheme is administered by public authorities.

Article 33. C130
1. A Member:
(a) which has accepted the obligations of this Convention without availing itself of the exceptions and exclusions provided for in Article 2 and Article 3,
(b) which provides over-all higher benefits than those provided in this Convention and whose total relevant expenditure on medical care and sickness benefits amounts to at least 4 per cent of its national income, and
(c) which satisfies at least two of the three following conditions:
(i) it covers a percentage of the economically active population which is at least ten points higher than the percentage required by Article 10, subparagraph (b), and by Article 19, subparagraph (b), or a percentage of all residents which is at least ten points higher than the percentage required by Article 10, subparagraph (c),

(ii) it provides medical care of a curative and preventive nature of an appreciably higher standard than that prescribed by Article 13,
(iii) it provides sickness benefit corresponding to a percentage at least ten points higher than is required by Articles 22 and 23,
may, after consultation with the most representative organisations of employers and workers, where such exist, make temporary derogations from particular provisions of Parts II and III of this Convention on condition that such derogation shall neither fundamentally reduce nor impair the essential guarantees of this Convention.
2. Each Member which has made such a derogation shall indicate in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation the position of its law and practice as regards such derogation and any progress made towards complete application of the terms of the Convention.

Article 33

No temporary derogations have been made from the provisions of Parts II and III of C130.

A. The expenditure of the National Insurance Scheme in respect of benefits in kind in case of illness amounted to:

Year	Amount (mill. NOK)
2011	22 735
2012	23 990
2013	24 877
2014	27 057
2015	29 546
2016	30 067
2017	31 049
2018	31 395
2019	32 737
2020	32 874
2021	37 320
2022	38 101
2023	41 484

Source: Central government accounts (Statsregnskapet), sum of program categories 3010, 3050 and 3090

Expenditure on sickness benefit (excluding parental benefits in cash) amounted to:

Year	Amount (mill. NOK)
2011	34 748
2012	34 824
2013	36 617
2014	38 371
2015	39 534
2016	39 212
2017	39 801
2018	40 127
2019	42 362
2020	43 622
2021	44 486
2022	47 211
2023	54 827

Source: Central government accounts (Statsregnskapet), Expenditure on chapter 2650, post 70 (sickness benefits to employees)

Expenditure on work assessment allowance amounted to:

Year	Amount (mill. NOK)
2011	35 531
2012	35 470
2013	35 730
2014	34 822
2015	34 313
2016	34 962
2017	34 789
2018	33 067
2019	30 056
2020	30 565
2021	33 667
2022	36 531
2023	40 539

Source: Central government accounts (Statsregnskapet), Expenditure on chapter 2651 (work assessment allowance)

C. The national income (primary income, net) during the report period was:

Year	Amount (mill. NOK)
2011	2 360 790
2012	2 508 952
2013	2 592 950
2014	2 690 912
2015	2 650 364
2016	2 628 146
2017	2 810 606
2018	3 056 999
2019	3 003 295
2020	2 836 151
2021	3 583 274
2022	4 995 426
2023	4 393 037

Source: Statistics Norway, table 10799
Note: New data sources and methods are regularly incorporated in National Income Statistics by Statistics Norway. The last revision was done in 2019, and an additional revision was conducted in 2020. In order to avoid breaks in series, revision of data is also done back in time. Updated timeseries on national income has to some degree affected the calculations in the three tables below.

D. A/C

Benefits in kind (excluding maternity benefits in kind) as percentage of national income:

Year	Per cent
2011	1.0
2012	1.0
2013	1.0
2014	1.0
2015	1.1

2016	1.1
2017	1.1
2018	1.0
2019	1.1
2020	1.2
2021	1.1
2022	0,8
2023	0,9

Sickness benefits (excluding parental benefits in cash) as percentage of national income:

Year	Per cent
2011	1.5
2012	1.4
2013	1.4
2014	1.4
2015	1.5
2016	1.5
2017	1.4
2018	1.3
2019	1.4
2020	1.5
2021	1.2
2022	0,9
2023	1,2

Work Assessment Allowance as percentage of national income:

Year	Per cent
2011	1.5
2012	1.4
2013	1.4
2014	1.3
2015	1.3
2016	1.3
2017	1.2
2018	1.1
2019	1.0
2020	1.1
2021	0,9
2022	0,7
2023	0,9

Part IV. Unemployment benefit

Norway has accepted the obligations resulting from Part IV of the ECSS, Part IV of C102 and C168.

List of applicable legislation

- National Insurance Act (folketrygdloven) of 28 February 1997, with later amendments
- Regulation 16 September 1998 No. 890 on Unemployment Benefits
- Child Benefit Act (barnetrygdloven) of 8 March 2002, with later amendments
- Social Assistance Act (sosialtjenesteloven) of 18 December 2009, with later amendments

IV - 1. Regulatory framework

Article 19. C102 and ECSS
Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of unemployment benefit in accordance with the following Articles of this Part.

Article 12. C168
1. Unless it is otherwise provided in this Convention, each Member may determine the method or methods of protection by which it chooses to put into effect the provisions of the Convention, whether by a contributory or non-contributory system, or by a combination of such systems.
2. Nevertheless, if the legislation of a Member protects all residents whose resources, during the contingency, do not exceed prescribed limits, the protection afforded may be limited, in the light of the resources of the beneficiary and his or her family, in accordance with the provisions of Article 16.

Article 13. C168
Benefits provided in the form of periodical payments to the unemployed may be related to the methods of protection.

MISSOC Database
Compulsory earnings-related part of the National Insurance Scheme (folketrygden), for employed persons designed to compensate for the loss of earnings from work and contribute to make the unemployed better qualified for the job market. Financed by taxes and contributions.

IV - 2. Contingency covered

Article 20. C102 and ECSS
The contingency covered shall include suspension of earnings, as defined by national laws or regulations, due to inability to obtain suitable employment in the case of a person protected who is capable of, and available for, work.

Article 10. C168
1. The contingencies covered shall include, under prescribed conditions, full unemployment defined as the loss of earnings due to inability to obtain suitable employment with due regard to the provisions of Article 21, paragraph 2, in the case of a person capable of working, available for work and actually seeking work.
2. Each Member shall endeavour to extend the protection of the Convention, under prescribed conditions, to the following contingencies:
(a) loss of earnings due to partial unemployment, defined as a temporary reduction in the normal or statutory hours of work; and
(b) suspension or reduction of earnings due to a temporary suspension of work, without any break in the employment relationship for reasons of, in particular, an economic, technological, structural or similar nature.
3. Each Member shall in addition endeavour to provide the payment of benefits to part-time workers who are actually seeking full-time work. The total of benefits and earnings from their part-time work may be such as to maintain incentives to take up full-time work.

RF/C168: please indicate whether measures have been taken, in conformity with para. 3 of the Article, to extend protection to part-time workers who are actually seeking full-time work.

The contingencies covered are the loss of earnings due to full unemployment, partial unemployment and temporary suspension of work without any break in the employment relationship (temporary layoffs). The employment (working hours) must be reduced by at least 50 per cent. The same rules apply to part-time workers and full-time workers. The part-time workers who fulfil the work-time reduction requirement and receive unemployment benefits are compensated at the same level and on the same terms as those who have become unemployed from full-time work. Part-time workers are only entitled to unemployment benefit as long as the requirement regarding 50 per cent reduction is fulfilled, regardless of whether they actually are seeking full-time work. No special measures are taken to extend protection to part-time workers who are seeking full-time work.

The basic requirement in order to be entitled to unemployment benefit in Norway is to be considered a "genuine job-seeker". This means inter alia that the unemployed must be capable of work and available for any part- or full-time work he or she is physically and mentally capable of doing, if the remuneration offered for the job is in accordance with the accepted norm or agreed rate for the particular trade or occupation. It is also a requirement to register as a job-seeker with the Norwegian Labour and Welfare Service. The person concerned may be entitled to unemployment benefit even if he or she does not fully meet the availability requirement due to circumstances such as age, health or obligations of a caring nature.

The primary goal for the Labour and Welfare Service is to find work that corresponds with the job-seekers' wishes, education and qualifications. This is the basis for all public employment service in Norway. The Labour and Welfare Service will initially devote a lot of time to identifying the job-seekers' qualifications, working-experience and job-requests. All job-seekers are entitled to an assessment of which services they need from the Labour and Welfare Service in order to get a suitable job. This makes it possible for the Labour and Welfare Service to give the job-seekers a more individually fitted service. The Labour and Welfare Service will avoid referring job-seekers to a job if he or she doesn't match the employer's request, as it is in everyone's interest to offer a good service to both employers and job-seekers. However, the employer, and not the Labour and Welfare Service, will have the last word in appointing or engaging an unemployed to a position.

The first three months of unemployment the job-seekers will themselves have the primary responsibility of finding a job. They will therefore themselves determine which jobs they find suitable. The unemployed will in this period normally not be offered jobs from the Labour and Welfare Service, unless it is a job that corresponds to his or her qualifications. Regular reviews shows that the job-seekers in practice are not referred to

take unsuitable work the first three months of the benefit period. Reference is made to Report 2016-ECSS.

Further into the benefit period, the job-seeker must be prepared to adjust his or her demands and level of ambition and expand the job-search. This principle is considered important, as the employers consider it positive that the job-seeker have been in a less skilled job and with that have got working-experience and kept in contact with the working-life. A period of long-term unemployment, instead of taking a less skilled job, can make it more difficult for the job-seeker to get a suitable job. On the basis of the job-seeker's CV and the labour market, the job-request will be evaluated every third month. This evaluation can result in an agreement between the job-seeker and the Labour and Welfare Service to expand the job-search. As a part of this evaluation, it will be considered how long the job-seeker has been unemployed, the probability the job-seeker has of getting a job which corresponds to his or her qualifications and if the offered job can give valuable working experience.

See also under IV-13. Suspension of benefit.

IV - 3. Persons protected

Article 21. C102 and ECSS
The persons protected shall comprise:
(a) prescribed classes of employees, constituting not less than 50 per cent of all employees; or
(b) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.

Article 11. C168
1. The persons protected shall comprise prescribed classes of employees, constituting not less than 85 per cent of all employees, including public employees and apprentices.
2. Notwithstanding the provisions of paragraph 1 above, public employees whose employment up to normal retiring age is guaranteed by national laws or regulations may be excluded from protection.

The unemployment insurance in Norway is a part of the comprehensive Norwegian National Insurance Scheme and is therefore universal. All persons insured under the Norwegian National Insurance Scheme up to the age of 67, whose previous income from work as employees exceed 1.5 B.a. (NOK 186 042) during the last 12 calendar months before the application date, or 3 B.a. (NOK 372 084) during the last 36 calendar months before the application date, and whose employment (working hours) has been reduced by at least 50 per cent, and who meet the requirement of actively searching for work, are eligible for unemployment benefit.

Request for statistical information
All wage earners are protected and are entitled to unemployment benefit as long as they meet the requirements. According to the Labour market survey, 94.9 per cent of all employed persons in Norway age 20 – 66 years are wage earners (2023).

IV - 4. Level and Calculation of Benefit

Article 22. C102 and ECSS
1. Where classes of employees are protected, the benefit shall be a periodical payment calculated in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.
2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67. [provided that a prescribed benefit shall be guaranteed, without means test, to the prescribed classes of employees determined in accordance with Article 21.a. – ECSS]

Article 14. C168
In cases of full unemployment, benefits shall be provided in the form of periodical payments calculated in such a way as to provide the beneficiary with partial and transitional wage replacement and, at the same time, to avoid creating disincentives either to work or to employment creation.
Article 15. C168
1. In cases of full unemployment and suspension of earnings due to a temporary suspension of work without any break in the employment relationship, when this contingency is covered, benefits shall be provided in the form of periodical payments, calculated as follows:
(a) where these benefits are based on the contributions of or on behalf of the person protected or on previous earnings, they shall be fixed at not less than 50 per cent of previous earnings, it being permitted to fix a maximum for the amount of the benefit or for the earnings to be taken into account, which may be related, for example, to the wage of a skilled manual employee or to the average wage of workers in the region concerned;
(b) where such benefits are not based on contributions or previous earnings, they shall be fixed at not less than 50 per cent of the statutory minimum wage or of the wage of an ordinary labourer, or at a level which provides the minimum essential for basic living expenses, whichever is the highest;
3. If appropriate, the percentages specified in paragraphs 1 and 2 may be reached by comparing net periodical payments after tax and contributions with net earnings after tax and contributions.

Article 16. C168
Notwithstanding the provisions of Article 15, the benefit provided beyond the initial period specified in Article 19, paragraph 2 (a), as well as benefits paid by a Member in accordance with Article 12, paragraph 2, may be fixed after taking account of other resources, beyond a prescribed limit, available to the beneficiary and his or her family, in accordance with a prescribed scale. In any case, these benefits, in combination with any other benefits to which they may be entitled, shall guarantee them healthy and reasonable living conditions in accordance with national standards.

Norwegian calculations are based on Article 65.

Title I A:
The calculation of unemployment benefit is based on income from work and/or income from daily cash benefits during unemployment, sickness, maternity and adoption. The calculation basis is the highest of the income of the preceding calendar year or the average over the three preceding calendar years. The maximal benefit basis is 6 B.a. The benefit rate per day is 0.24 per cent of the calculation basis and is paid five days a week. This will normally give an annual compensation of 62.4 per cent of the calculation basis. A supplement of NOK 36 per day is granted for each dependent child under the age of 18.

As from 2023 a so-called holiday supplement applies to beneficiaries who have received unemployment benefit for more than eight weeks during the preceding calendar year (2022). The holiday supplement amounts to 9.5 per cent of each beneficiary's received (gross) unemployment benefit the preceding year, and is paid in June.

As per 1 May 2024, the B.a. is NOK 124 028, cf. Part VI below.

The maximum amount is NOK 1 786 per day, which equals NOK 8 930 per week.

Title 1B:
The "skilled manual male employee" is determined by Statistics Norway, in accordance with paragraph 6, sub-paragraph (a). Recourse is had to Article 65 of the Code, Article 65 of C102 and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery").

Title 1 C:
In 2023, the average annual pay for male full-time employees in this category was NOK 540 720. This equals a monthly income of NOK 45 060.

Title II:
The standard beneficiary is a man with a wife and two children (below 18 years), with an income of NOK 540 720.

Title II D:
Amount of unemployment benefit per day (0.24 per cent of NOK 540 720) NOK 1 298 + a child supplement (NOK 35 per day per child x 2) NOK 70 = NOK 1 368. Monthly benefit: NOK 27 360.

Title II E:
Child benefits for two children 18 years (one child under 6 years of age and one child above the age of 6) below equals NOK 3 276 per month. Child benefits are payable to everyone, whether being employed or not.

Title II F:
See D above.

Title II G:
Monthly benefit and child benefits for a standard beneficiary (man with a wife and two children below the age of 18): NOK 27 360 + NOK 3 276 = NOK 30 636.

This equals 63.5 per cent of the average skilled manual male employee's monthly income (monthly pay + monthly child benefits).

Title V:
See above. The benefits and child benefits are calculated irrespectively of gender. Dependant's allowances are given for children, but not for spouses.

IV – 5. Qualifying period

§1(f) Article 1 C102, §1(i) Article 1 ECSS

The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

Article 23. C102 and ECSS
The benefit specified in Article 22 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

Article 17. C168
1. Where the legislation of a Member makes the right to unemployment benefit conditional upon the completion of a qualifying period, this period shall not exceed the length deemed necessary to prevent abuse.
2. Each Member shall endeavour to adapt the qualifying period to the occupational circumstances of seasonal workers.

There is no qualifying period as described in Article 1 paragraph 1 (i) as a "period of contribution, or a period of employment, or a period of residence, or any combination thereof" in order to be eligible for Unemployment Benefit.

However, it is a condition for entitlement to Unemployment Benefit that the beneficiary have had income from work of minimum 1.5 B.a. (NOK 186 042) during the last 12 calendar months before the application date or 3 B.a. (NOK 372 084) during the last 36 calendar months before the application date, cf. paragraph 1 of Section 4-4 of the National Insurance Act. Daily Cash Benefits in the Case of Sickness granted for maternity related illnesses, pregnancy benefits and parental benefits are considered as equal to income from work in this respect.

The same requirement of minimum income applies to all beneficiaries. No special rules have been adopted for seasonal workers. The required minimum income is at such a level that most part-time workers and seasonal workers will fulfil the requirement.

In Norway, one is automatically insured against unemployment through the National Insurance Scheme. For entitlement to Norwegian unemployment benefits, one must satisfy a number of criteria. I.a. the working hours must be reduced by at least 50 per cent and one must have had a certain minimum income during the last twelve months (or the last 36 months) prior to the application date, cf. the National Insurance Act sections 4-3 and 4-4.

The same rules apply to all workers, including seasonal workers.

IV - 6. Waiting Period

§3 §4 Article 24. C102 and ECSS
3. The benefit need not be paid for a waiting period of the first seven days in each case of suspension of earnings, counting days of unemployment before and after temporary employment lasting not more than a prescribed period as part of the same case of suspension of earnings.
4. In the case of seasonal workers the duration of the benefit and the waiting period may be adapted to their conditions of employment.

Article 18. C168
1. If the legislation of a Member provides that the payment of benefit in cases of full unemployment should begin only after the expiry of a waiting period, such period shall not exceed seven days.
2. Where a declaration made in virtue of Article 5 is in force, the length of the waiting period shall not exceed ten days.

3. In the case of seasonal workers the waiting period specified in paragraph 1 above may be adapted to their occupational circumstances.

Until 31 December 2023, Section 4-9 of the National Insurance Act provided for a waiting period of three days. Unemployment benefit was paid when the insured person had been unemployed and had been registered with the Labour and Welfare Service as a genuine job-seeker for at least three days during the last fifteen days, Saturdays and Sundays not included. Section 4-9 was changed with effect from 1 January 2024. The waiting period was replaced by a deductible equivalent to three times the individual daily rate of the unemployment benefit.

If the applicants have become unemployed by their own choice or fault (e.g., dismissal for misconduct, leaving a job voluntarily without a reasonable ground), they may be imposed to a waiting period of 18 weeks, and a further 6 months in case of reoccurrence within a 12 months period, cf. NIA section 4-10.

The length of the waiting period does not vary for other reasons.

No special rules have been adopted for seasonal workers.

IV - 7. Minimum duration of Benefit

§1 §2 Article 24 C102 and ECSS
1. The benefit specified in Article 22 shall be granted throughout the contingency, except that its duration may be limited,
(a) where classes of employees are protected, to 13 weeks within a period of 12 months, [or to 13 weeks in each case of suspension of earnings - ECSS]; *or*
(b) where all residents whose means during the contingency do not exceed prescribed limits are protected, to 26 weeks within a period of 12 months; [provided that the duration of the prescribed benefit, guaranteed without means test, may be limited in accordance with sub-paragraph a of this paragraph - ECSS].
2. Where national laws or regulations provide that the duration of the benefit shall vary with the length of the contribution period and/or the benefit previously received within a prescribed period, the provisions of paragraph 1 of this article shall be deemed to be fulfilled if the average duration of benefit is at least 13 weeks within a period of 12 months.

Article 19. C168
1. The benefits provided in cases of full unemployment and suspension of earnings due to a temporary suspension of work without any break in the employment relationship shall be paid throughout these contingencies.
2. Nevertheless, in the case of full unemployment:
(a) the initial duration of payment of the benefit provided for in Article 15 may be limited to 26 weeks in each spell of unemployment, or to 39 weeks over any period of 24 months;
(b) in the event of unemployment continuing beyond this initial period of benefit, the duration of payment of benefit, which may be calculated in the light of the resources of the beneficiary and his or her family in accordance with the provisions of Article 16, may be limited to a prescribed period.
3. If the legislation of a Member provides that the initial duration of payment of the benefit provided for in Article 15 shall vary with the length of the qualifying period, the average duration fixed for the payment of benefits shall be at least 26 weeks.
4. Where a declaration made in virtue of Article 5 is in force, the duration of payment of benefit may be limited to 13 weeks over any periods of 12 months or to an average of 13 weeks if the legislation provides that the initial duration of payment shall vary with the length of the qualifying period.
5. In the cases envisaged in paragraph 2 (b) above each Member shall endeavour to grant appropriate additional assistance to the persons concerned with a view to permitting them to find productive and freely chosen employment, having recourse in particular to the measures specified in Part II.

6. The duration of payment of benefit to seasonal workers may be adapted to their occupational circumstances, without prejudice to the provisions of paragraph 2 (b) above.

The benefit period varies depending on earlier income from work. Income from work amounting to at least 2 B.a. (NOK 248 056) gives a benefit period of 104 weeks (2 years). Income amounting to less than 2 B.a. gives a benefit period of 52 weeks (1 year), cf. paragraph 1 of Section 4-15 of the National Insurance Act. When the initial benefit period has expired, a subsequent benefit period may immediately be granted, provided that the requirements concerning previous income are met again.

The benefit period is 26 weeks within a period of 18 months in cases of suspension of earnings due to a temporary suspension of work without any break in the employment relationship (temporary layoffs). This benefit period is usually adjusted according to the changing economic situation. Thus, during the Covid-19-pandemic, special rules applied (prolonged duration of periods).

IV - 8. Provisions of Medical Care to unemployed

Article 23. C168
1. Each Member whose legislation provides for the right to medical care and makes it directly or indirectly conditional upon occupational activity shall endeavour to ensure, under prescribed conditions, the provision of medical care to persons in receipt of unemployment benefit and to their dependants.

See under Part II-3: Medical Care is provided to all residents.

IV – 9. Acquisition of the right to other benefits

Article 24. C168
1. Each Member shall endeavour to guarantee to persons in receipt of unemployment benefit, under prescribed conditions, that the periods during which benefits are paid will be taken into consideration:
(a) for acquisition of the right to and, where appropriate, calculation of disability, old-age and survivors' benefit, and
(b) for acquisition of the right to medical care and sickness, maternity and family benefit after the end of unemployment,
when the legislation of the Member concerned provides for such benefits and makes them directly or indirectly conditional upon occupational activity.
2. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraph 1 above may be deferred.

Periods during which unemployment benefits are paid are taken into consideration for acquisition of the right to, and the calculation of disability benefit, old-age benefit, and survivors' benefit.

The right to sickness benefit and parental benefit is earned through occupational activity. Periods during which unemployment benefits have been paid, are in this regard considered to be equal to occupational activity.

Medical Care is provided to all residents, see Part II-3.

IV – 10. Adjustment of scheme to part-time workers

Article 25. C168

1. Each Member shall ensure that statutory social security schemes which are based on occupational activity are adjusted to the occupational circumstances of part-time workers, unless their hours of work or earnings can be considered, under prescribed conditions, as negligible.
2. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraph 1 above may be deferred.

The same rules apply for part-time workers as for full-time workers.

The required minimum income is set at a level that ensures that part-time workers are able to fulfil the requirement.

IV – 11. Special provisions for new applicants for employment

Article 26. C168

1. Members shall take account of the fact that there are many categories of persons seeking work who have never been, or have ceased to be, recognised as unemployed or have never been, or have ceased to be, covered by schemes for the protection of the unemployed. Consequently, at least three of the following ten categories of persons seeking work shall receive social benefits, in accordance with prescribed terms and conditions:
(a) young persons who have completed their vocational training;
(b) young persons who have completed their studies;
(c) young persons who have completed their compulsory military service;
(d) persons after a period devoted to bringing up a child or caring for someone who is sick, disabled or elderly;
(e) persons whose spouse had died, when they are not entitled to a survivor's benefit;
(f) divorced or separated persons;
(g) released prisoners;
(h) adults, including disabled persons, who have completed a period of training;
(i) migrant workers on return to their home country, except in so far as they have acquired rights under the legislation of the country where they last worked;
(j) previously self-employed persons.
2. Each Member shall specify, in its reports under article 22 of the Constitution of the International Labour Organisation, the categories of persons listed in paragraph 1 above which it undertakes to protect.
3. Each Member shall endeavour to extend protection progressively to a greater number of categories than the number initially protected.

The following categories of persons seeking work may receive unemployment benefits, in accordance with prescribed terms and conditions:

Article 26.1. c) young persons who have completed their compulsory military service;
Persons who have completed their compulsory military service may receive unemployment benefit for up to 26 weeks while they apply for work.

Article 26.1.d) persons after a period devoted to bringing up a child or caring for someone who is sick, disabled, or elderly;
Unmarried persons who, for a period of five years or more, have been devoted to caring for a closely related person, may receive benefit to former family nurses. The benefit can be given as a pension or as a transitional benefit. Former family nurses may also receive education benefit and grants to cover necessary moving expenses in order to gain employment.

Single parents are entitled to benefits if unmarried, divorced or separated and not living with a life partner. As a main rule, transitional benefit may be granted until the youngest

child attains the age of eight, but not for more than a total of three years. Single parents that have already received a full benefit period may only receive the transitional benefit for up to one year if applying for a new benefit period for a new child. It is an activity requirement, which states that benefit recipients must be working or studying at least 50 per cent of normal working time or actively searching for employment when the child has attained the age of 1.

Single parents may also be granted childcare benefit, study grant and supplementary benefit to cover expenses connected to work, study or employment schemes participation. Persons who have had parental leave and received parental benefits, are entitled to unemployment benefit while he or she applies for work, see under Part IV-9 Acquisition of the right to other benefits.

Article 26.1.h) adults, including disabled persons, who have completed a period of training;
Disabled persons, who have completed a period of training, can be granted Vocational Rehabilitation Allowance for up to six months while he or she applies for work.

According to the Social Services Act, those unable to support themselves by working or exercising financial rights are entitled to financial support. Social assistance is complementary to all other subsistence allowances and is provided as a last resort benefit. The support should aim at making the person self-supporting. All the groups mentioned in Article 26(1) (a) to (g) and (j) may apply for assistance in accordance with the Social Services Act.

IV - 12. Promotion of productive employment

Article 7. C168
Each Member shall declare as a priority objective a policy designed to promote full, productive and freely chosen employment by all appropriate means, including social security. Such means should include, inter alia, employment services, vocational training and vocational guidance.

High employment and labour market participation is a main goal for the Government. The overall percentage of the working-age population in employment, is relatively high, in large part due to high participation rates among women and older workers. As labour will be a scarcer resource in the years to come, it is evenly important to exploit the labour force effectively.

Article 8.
1. Each Member shall endeavour to establish, subject to national law and practice, special programmes to promote additional job opportunities and employment assistance and to encourage freely chosen and productive employment for identified categories of disadvantaged persons having or liable to have difficulties in finding lasting employment such as women, young workers, disabled persons, older workers, the long-term unemployed, migrant workers lawfully resident in the country and workers affected by structural change.
2. Each Member shall specify, in its reports under article 22 of the Constitution of the International Labour Organisation, the categories of persons for whom it undertakes to promote employment programmes.
3. Each Member shall endeavour to extend the promotion of productive employment progressively to a greater number of categories than the number initially covered.

Article 9

The measures envisaged in this Part shall be taken in the light of the Human Resources Development Convention and Recommendation, 1975, and the Employment Policy (supplementary Provisions) Recommendation, 1984.

The Norwegian Ministry of Labour and Social Inclusion is committed to an active labour market policy.

The Norwegian Labour and Welfare Administration is universal, mainstreamed, state financed and nation-wide. The aim is to cut down passive periods and facilitate paid work, through a variety of active labour market measures. This includes e.g. labour market training, covering both private and public sector. Training in a sheltered environment, on temporary or permanent basis, is provided for people who are not able to participate in training in the ordinary labour market.

For the unemployed, emphasis is put on active job-seeking throughout their period of unemployment. However, some job-seekers may need more assistance. Counselling and labour market measures, such as short courses and training, work experience, follow-up and wage subsidies, are frequently used when assisting unemployed persons into finding a job.

Active Labour Market Measures

Labour market measures are amongst the most important policy instruments aimed at promoting a well-functioning labour market. Labour market measures aim at contributing to increased participation in employment, reduced unemployment and combating exclusion by helping people with problems on the labour market, to find work and become active.

To meet the high qualification requirements of the Norwegian labour market, there have been certain changes in the education and retraining programs. The training measure (one of several active labour market policy programmes) focuses on increasing the formal qualifications of the recipients. Job-seekers can be offered short-term courses, vocational training, or higher education. Since the regulatory framework for the training measure changed in 2019, there has been a clearer prioritisation of vocational training.

To improve the education and retraining programs, the labour authorities cooperate with the education authorities at national and local levels. Local cooperation models have been developed with the aim of getting more people to complete vocational training. A grant scheme is established to stimulate cooperation between the Labour and Welfare Service and county municipalities to offer education that is adapted to the needs of job-seekers. To increase the expertise of the education system for employees working in the Labour and Welfare Service and to ensure more cooperation with county authorities, training coordinators have been appointed in all Norwegian counties. In addition, an experiment of training of longer duration than the current time frame of the training measure has been established with the aim of increasing the qualifications of groups with lower basic skills.

It is important to develop and strengthen the services for unemployed persons with mental or drug-related problems, to increase their possibilities to take part in working life while in medical treatment. Individual Placement and Support (IPS) is a model of supported employment for this group, involving both the Labour and Welfare Administration and the health service at the same time and offering a close follow up into working life. The method has proven to be very efficient and has been strengthened over the last years.

The possibility of combining unemployment benefits with education has been somewhat liberalized. Persons who are fully unemployed or fully laid off are now eligible for participating in education while receiving unemployment benefits. This is conditional on complying with certain conditions relating to having acquired a certain age and having absolved a prior mandatory job seeking period. Lower-level education such as primary school, junior high school or high school is admitted on a full-time basis during the full length of the benefit period. This also applies to vocational school. Higher education is accepted with a study progression of maximum 50 percent and a duration of maximum one year. For persons who combine unemployment benefits with education, the requirement of being a genuine job-seeker and being willing to terminate the education when offered a job, persists.

A more targeted effort for long-term unemployed persons

It is especially important to prevent long-term inactivity, and an enhanced and more targeted effort for long-term unemployed persons who are near the end of their unemployment benefit period has been introduced accordingly. For the majority of unemployed persons, the maximum duration of unemployment benefits is two years. This intensified effort targets recipients of unemployment benefits who are approaching the end of the maximum benefit-period.

Better integration of refugees into the labour market

In March 2024, the Norwegian Government presented a white paper on integration to the Parliament (Meld. St. 17 (2023-2024) *Om integreringspolitikken: Stille krav og stille opp* («On integration policy: Making demands and meeting needs»). The white paper presents the Government's comprehensive policy for integration, where one of the main goals are that more immigrants enter and gain a stable connection to the regulated labour market. The white paper presents the policy targeting newly arrived immigrants soon after arrival to Norway, and the policy facilitating their participation in working life. Integration policy is also presented as a broad, cross-sectoral field, where living conditions, barriers to participation and immigrants' connection to local and wider society are key themes. The white paper also provides an overall presentation of experiences with the high arrivals of displaced people from Ukraine since February 2022 and summarises some lessons learned so far. Furthermore, the government presents policies to improve the integration of migrant workers.

The Government will improve the schemes for newly arrived refugees so that they can quickly gain access to the Norwegian labour marked. As a rule, those who already have an education must quickly find work. The Introduction Programme will be strengthened with more work-oriented activities ensuring that participants quickly enter working life. Those who do not already have an upper secondary education will have the opportunity to acquire formal competence through the Introduction Programme that can provide a stable connection to working life.

The Integration Act provides the framework by which immigrants with refugee background can receive the necessary training for work or education and regulates the Introduction Programme and Norwegian Language Training and Social Studies. The purpose of the Act is to ensure that immigrants are integrated into Norwegian society at an early stage and become economically independent. The act is intended to give immigrants good Norwegian language skills, knowledge of Norwegian society, formal qualifications, and a stable connection to working life. The Act is also intended to ensure that asylum seekers gain early knowledge of the Norwegian language and society.

Refugees have a right and a duty to follow the Introduction Programme, an individually adapted full-time program. The aim of the Introduction Programme is to provide participants with fundamental Norwegian skills and insight into the Norwegian society, as well as to prepare the participant for employment or further education. The municipalities are responsible for providing the Introduction Programme. The Labour Welfare Service is an important partner. They can assist with market and inclusion skills and job matching and consider participation in labour market measures for participants in the Introduction Programme. Wage subsidies, job training, mentoring, inclusion grants and training measures are among several labour market initiatives that may be relevant. Early involvement of the Labour Welfare Service in the Introduction Programme is particularly important for participants with short introduction programme (six to twelve months). Reference is made to Norway's report on the implementation of C168 Article 30 for more information on the wage subsidies scheme.

Due to the large number of Ukrainian refugees in Europe because of Russia’s full-scale invasion of Ukraine, temporary amendments to several Acts, including the Integration Act, for the group of refugees from Ukraine, have been implemented. To lower the statutory requirements, the number of compulsory elements in the Introduction Programme are reduced for beneficiaries of temporary collective protection. For instance, persons in this group have a right, but not an obligation, to participate in the Introduction Programme for six months, with the possibility of an extension of up to six months. For those who do not have an education at upper secondary level, the program can last for up to three years, with the possibility of extension for up to one year. The program shall consist of work- or education-oriented elements, an offer of language training and parental guidance. A right to Norwegian language training after settlement applies for one year from the time of start-up of the training, but there is not an obligation to participate for beneficiaries of temporary protection. The Norwegian

Government expect Ukrainians who come to Norway to learn the Norwegian language quickly and be able to support themselves. In February 2024 the Government tightened the requirements to work-oriented activities in the introduction programme. Furthermore, beneficiaries of temporary protection who have a job or have been offered a job, are no longer entitled to an Introduction Programme.

Youth are prioritized

In July 2023, the Norwegian government introduced a new and reinforced Youth Guarantee. The Youth Guarantee will ensure that young people aged 16 to 30 receive early intervention and close follow-up for as long as necessary. This will help to reduce passive periods outside work and education. The aim is to get more young people into ordinary work. The counsellor will be a permanent contact person and will coordinate assistance from other actors and support services.

Permanently adapted work

The program Permanently Adapted Work ("VTA") provides people with severe disabilities with employment in the adapted labour market. Most participants are employed in sheltered workshops, but the number of employees in an ordinary workplace is increasing. The number of places in VTA is at a historically high level in 2024.

Article 30. C168

In cases where subsidies are granted by the State or the social security system in order to safeguard employment, Members shall take the necessary steps to ensure that the payments are expended only for the intended purpose and to prevent fraud or abuse by those who receive such payments.

National and international research show that in general, labour market measures carried out in a regular workplace yield better results than training measures in a sheltered environment. Because of this knowledge, the Norwegian Government has increased labour market efforts through programmes where the job-seeker is placed directly in an ordinary firm, such as wage subsidies.

The use of the Wage Subsidies Scheme as a labour market measure has increased almost 30 per cent in 2021 compared to 2019. After 2021, however, the use of wage subsidies has fallen. This must be seen in the context of reduced unemployment.

There are also schemes that reimburse employers that have incurred costs associated with adapting the workplace for disabled workers, cost for mentors etc.

IV - 13. Suspension of Benefit

See under Part XIII-1

Article 20. C168

The benefit to which a protected person would have been entitled in the cases of full or partial unemployment or suspension of earnings due to a temporary suspension of work without any break in the employment relationship may be refused, withdrawn, suspended or reduced to the extent prescribed-

(a) for as long as the person concerned is absent from the territory of the Member;
(b) when it has been determined by the competent authority that the person concerned had deliberately contributed to his or her own dismissal;
(c) when it has been determined by the competent authority that the person concerned has left employment voluntarily without just cause;
(d) during the period of a labour dispute, when the person concerned has stopped work to take part in a labour dispute or when he or she is prevented from working as a direct result of a stoppage of work due to this labour dispute;
(e) when the person concerned has attempted to obtain or has obtained benefits fraudulently;
(f) when the person concerned has failed without just cause to use the facilities available for placement, vocational guidance, training, retraining or redeployment in suitable work;
(g) as long as the person concerned is in receipt of another income maintenance benefit provided for in the legislation of the Member concerned, except a family benefit, provided that the part of the benefit which is suspended does not exceed that other benefit.

Article 21. C168
1. The benefit to which a protected person would have been entitled in the case of full unemployment may be refused, withdrawn, suspended or reduced, to the extent prescribed, when the person concerned refuses to accept suitable employment.
2. In assessing the suitability of employment, account shall be taken, in particular, under prescribed conditions and to an appropriate extent, of the age of unemployed persons, their length of service in their former occupation, their acquired experience, the length of their period of unemployment, the labour market situation, the impact of the employment in question on their personal and family situation and whether the employment is vacant as a direct result of a stoppage of work due to an on-going labour dispute.

To be entitled to unemployment benefit, the job-seeker is required to stay in Norway. The unemployment benefit will be temporarily stopped for as long as the person concerned is absent from the territory.

If a person without reasonable grounds is considered to be unemployed by his or her own choice, i.e. if he or she has given notice voluntarily, refused to take a suitable job or refused to participate in labour market measures, the benefits may temporarily be suspended for 18 weeks. In the case of reoccurrence, the temporary suspension will last for 26 weeks.

What constitutes a reasonable ground to reject a job offer, is a concrete assessment. Such assessment will among other things emphasize how long the job-seeker has been unemployed, previous work experience, if the offered job can give valuable working experience, the labour market situation and the probability of getting a job which corresponds to the job-seeker's qualifications.

The beneficiaries are not required to take:

- work that is remunerated below the level of the unemployment benefit or paid substantially under tariff or custom;
- work that is not compatible with their health or age;
- work that in important areas does not comply with the safety provisions of the Norwegian Working Environment Act;
- work that is solely paid on provision paid basis;
- work abroad;
- particularly risky work.

The list above is not exhaustive.

Regular reviews show that the job-seekers in practice are not referred to unsuitable work the first three months of the benefit period, reference is made to Report 2016-ECSS. Cf. Part IV-2.

If a person has been unemployed and has received unemployment benefit for some time and the Norwegian Labour and Welfare Service assesses that the job-seeker will improve his/her possibilities on the labour market if she/he participates in a labour market programme, the consequence of a refusal to accept participation will be suspension of the unemployment benefit for 18 weeks. In the case of reoccurrence, the temporary suspension will last for 26 weeks. When considering whether participation in labour market programs will improve the job-seeker's possibilities on the labour market, emphasis is placed on the job-seeker's skills, education and work prospects.

If a beneficiary deliberately provides incorrect information which affects the entitlement to unemployment benefits, or fails to provide information relevant to the right to benefits, he/she may be suspended from the right to unemployment benefit for a period of up to 12 weeks. In the case of reoccurrence, the temporary suspension can be up to 26 weeks.

The benefit may be refused or withdrawn during the period of a labour dispute, if the person concerned has stopped work to take part in a labour dispute or when he or she is prevented from working as a direct result of a stoppage of work due to this labour dispute.

IV – 14. Right of complaint and appeal

See under Part XIII-2

Article 27. C168
1. In the event of refusal, withdrawal, suspension or reduction of benefit or dispute as to its amount, claimants shall have the right to present a complaint to the body administering the benefit scheme and to appeal thereafter to an independent body. They shall be informed in writing of the procedures available, which shall be simple and rapid.
2. The appeal procedure shall enable the claimant, in accordance with national law and practice, to be represented or assisted by a qualified person of the claimant's choice or by a delegate of a representative workers' organisation or by a delegate of an organisation representative of protected persons.

The decision to refuse, withdraw, suspend or reduce unemployment benefits may be appealed to the Labour and Welfare Service (NAV) Appeals Unit, which will review all aspects of the case. The same applies to disputes over the amount of the benefit. The NAV Appeals Unit will assess the viewpoints of the appellant and can also, at its own initiative, examine circumstances that are not mentioned in the complaint. Decisions made by the NAV Appeals Unit can be appealed to the National Insurance Court, an independent appeals body that hears appeals against NAV's decisions concerning the rights and obligations of the individual. The decisions of the National Insurance Court may be appealed to the Court of Appeal. Reference is made to the information provided in Part XIII – 2.

IV - 15. Financing and Administration

See under Part XIII-3

Article 28. C168
Each Member shall assume general responsibility for the sound administration of the institutions and services entrusted with the application of the Convention.

Article 29. C168
1. When the administration is directly entrusted to a government department responsible to Parliament, representatives of the protected persons and of the employers shall be associated in the administration in an advisory capacity, under prescribed conditions.
2. When the administration is not entrusted to a government department responsible to Parliament -
(a) representatives of the protected persons shall participate in the administration or be associated therewith in an advisory capacity under prescribed conditions;
(b) national laws or regulations may also provide for the participation of employers' representatives;
(c) the laws or regulations may further provide for the participation of representatives of the public authorities.

The application of the legislation concerning unemployment benefits under this Convention is delegated to the Norwegian Labour and Welfare Service.

Administrative Organization
The Norwegian Ministry of Labour and Social Affairs provides general supervision.
https://www.regjeringen.no/en/dep/asd/id165/
The Norwegian Labour and Welfare Service (NAV) administers the program nationally.
https://www.nav.no/en/Home

Part V. Old-age Benefit

Norway has accepted the obligations resulting from Part V of the ECSS, as amended by its Protocol, and Part III of C128.

List of applicable legislation

- National Insurance Act (folketrygdloven) of 28 February 1997, with later amendments
- Child Benefit Act (barnetrygdloven) of 8 March 2002, with later amendments

V - 1. Regulatory framework

Article 25. ECSS
Each Contracting Party for which this part of the Code is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Part.

Article 14. C128
Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Part.

By an Act of 5 June 2009, a new Chapter 20 was introduced in the National Insurance Act. This Chapter contains the provisions concerning the new, general old-age pension system. The main features of the new pension system are that pensions may be drawn from the age of 62. The system of pension earning in the new old-age pension scheme is designed in such a way that pension capital is accumulated through income from work or through other types of pension earning, between the ages of 13 and 75. Individuals will each year increase their pension capital with an amount corresponding to 18.1 per cent of their pensionable income, up to a ceiling of 7.1 B.a. The pension capital may also be increased as a result of e.g. unpaid care, service as a conscript or receipt of unemployment benefits. The pension capital is adjusted annually in line with the growth in wages.

The flexible pension drawing from the age of 62 was introduced with effect from 1 January 2011. The new provisions on old-age pension from the National Insurance Scheme will apply fully to persons born in 1963 or later, while persons born from 1954 to 1962 will be granted pensions with proportional parts from the old scheme and the new scheme. Persons born before 1954 will earn their pensions solely according to the old provisions.

V - 2. Contingency covered

Article 26. Protocol to the ECSS
1. The contingency covered shall be survival beyond a prescribed age.
2. The prescribed age shall be not more than 65 years or than such higher age that the number of residents having attained that age is not less than 10 per cent of the number of residents under that age but over 15 years. Provided that, where prescribed classes of employees only are protected, the prescribed age shall be not more than 65 years.
3. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if he is engaged in any prescribed gainful activity, or that the benefit, if contributory, may be reduced whenever the earnings of the beneficiary exceed a prescribed amount.

Article 15. C128

1. The contingency covered shall be survival beyond a prescribed age.
2. The prescribed age shall be not more than 65 years or such higher age as may be fixed by the competent authority with due regard to demographic, economic and social criteria, which shall be demonstrated statistically.
3. If the prescribed age is 65 years or higher, the age shall be lowered, under prescribed conditions, in respect of persons who have been engaged in occupations that are deemed by national legislation, for the purpose of old-age benefit, to be arduous or unhealthy.

As part of the Pension Reform, the possibility of flexible drawing of old-age pensions was introduced for persons aged 62 to 75. Pension drawing may, according to the wishes of the individual concerned, begin at any time between attaining the age of 62 and attaining the age of 75. However, in order to draw an old-age pension before attaining the age of 67, the pension must, when the person in question attains the age of 67, at least be equal to the minimum pension level for persons with an insurance period of 40 years.

The pension may be drawn fully or partially. The drawing alternatives are 20, 40, 50, 60, 80 and 100 per cent. Work and pension may be combined, without deductions being made in the pension. If one continues to work, additional pension entitlement is earned, up to and including the year in which one attains the age of 75, even if one has already started drawing the pension.

Pensions drawn with effect from 2011 and later are subject to life expectancy adjustment. Life expectancy adjustment is a mechanism for securing the sustainability of the old-age pension scheme in face of the continued growth in life expectancy of the population. The mechanism links pensionable age or the pension level to the development in the population's life expectancy. When the life expectancy of the population increases, one will have to work a little longer in order to be entitled to the same annual pension, because the pension entitlement one has earned will be divided on a longer life expectancy. The pension is calculated by dividing one's pension capital by an annuity divisor. The divisor is determined on the basis of the remaining life expectancy at the time pension drawing begins. This mechanism entails that the annual pension amount will be higher, the longer pension drawing is deferred.

The provisions on pension drawing are designed to be neutral, meaning that the sum of the old-age pension one receives during one's period as a pensioner, shall be independent of when pension drawing starts.

Old-age benefit. Article 15(2) and (3) of Convention No. 128. Pension age. According to the report on Convention No. 128, old-age pension can be drawn between 62 and 75 years of age. There is a minimum old-age pension (garantipensjon) which is paid at a low, ordinary, high or special rate; the ordinary or high rates are paid respectively to a recipient who is married/cohabitates or lives alone. The guaranteed pension is determined on the basis of the insurance period (periods of residence) and is reduced proportionately in case of a shorter insurance period than 40 years. The Committee notes that the full ordinary rate of the guaranteed old-age pension after 40 years of insurance was NOK 162,566 in May 2015, which is higher than the amount of the old-age pension granted to an insured employee after 30 years of earning pension points and 30 years of residence (NOK142,141), as calculated in the report. The Committee

notes in this respect, from The Norwegian Social Insurance Scheme, January 2015, that in order to draw an old-age pension before attaining the age of 67, the pension must, when the person in question attains the age of 67, be at least equal to the minimum pension level for persons with an insurance period of 40 years. The Committee understands therefore, from the figures given above, that this condition would not be fulfilled by the pension acquired by the persons protected at the age of 67 under the standard scenario established by the Convention: with 30 years of contributions and earnings not exceeding the reference wage of the skilled manual male employee. Consequently, the effective age of retirement for all persons protected whose earnings do not exceed those of the skilled worker, would not be 65 but 67 years. The Committee point out in this respect that Article 26(2) of the European Code of Social Security (ECSS), as amended by the Protocol, which is also ratified by Norway, expressly prohibits increasing the pension age beyond 65 years where employees only are protected under the Code, as in Norway, while Article 15(2) of Convention No. 128 obliges the competent authority fixing the higher pension age to demonstrate statistically the need for such measure, taking into account the demographic, economic and social criteria. Moreover, as a counterbalance to the higher pension age, Article 15(3) of Convention No. 128 requires this age to be lowered in respect of persons who have been engaged in occupations that are deemed by national legislation, for the purpose of old-age benefit, to be arduous or unhealthy. **Recalling that Norway is bound by all of the above legal limitations and prohibitions regarding the increase of the pension age above 65 years, the Committee asks the Government to clarify the situation with the effective age of retirement under the conditions of entitlement prescribed by Convention No. 128 on the basis of detailed calculation of the old-age pension replacement rate under the standard scenario, taking into account the Committee's observations below.**

Norway's response:
Below, we intend to show that a general pensionable age of 67 is in compliance with Norway's international obligations. It must therefore also be acceptable to have a lower pensionable age for persons who have earned entitlement to pensions above a certain level at an earlier age.

As of 1 January 2019, the number of persons legally residing in Norway, who had attained the age of 67, was 805 694. At the same time, the number of persons legally residing in Norway, who had attained the age of 15, but who had not yet attained the age of 67, was 3 587 560. The number of residents who were 67 years or older therefore corresponded to approximately 22 per cent of the number of persons residing in Norway, who had attained the age of 15, but who had not yet attained the age of 67. This percentage has been stable at around 20 since 2000. In light of paragraph 2 of Article 26 of the Code, this should be more than sufficient to justify a pensionable age of 67 years.

We would like to point out that Article 26(2) of the European Code of Social Security, as amended by the Protocol, expressly prohibits increasing the pension age beyond 65 years "where prescribed classes of employees only are protected". The Norwegian old-age pension scheme covers all those who are insured under the scheme (as a general rule all residents), irrespective of whether or not they are occupationally active. Furthermore, the income-based part of the old-age pension scheme covers all employees, irrespective of their level of income. Even an income of 1 NOK will increase the pension capital (by

0.18 NOK). In light of this, we believe that the provision in Article 26(2) of the European Code of Social Security, as amended by the Protocol, which expressly prohibits increasing the pension age beyond 65 years "where prescribed classes of employees only are protected", is not applicable to the Norwegian scheme.

The ordinary pensionable age in Norway has been 67 years since 1973.
In 1964, when Norway signed the European Code of Social Security, the life expectancy for women in Norway was 77 years. For men, the life expectancy was 71 years. Based on a pensionable age of 65, women would on average be expected to draw their pensions for 13 years, while men on average would be expected to draw their pensions for 6 years.

In 2019, life expectancy in Norway has increased to 84.5 years for women, and 81 years for men. Based on a pensionable age of 65, women would on average be expected to draw their pensions for 19.5 years, while men on average would be expected to draw their pensions for 16 years. In general, people over the age of 65 are in better health now than in previous generations.

By the end of 2018, nearly one million persons – 937 000 persons to be exact – received old-age pension from the Norwegian Social Insurance Scheme. And the number of pensioners is still increasing. On 1 January 2019, the workforce (persons between the ages of 15 and 67) consisted of 3 587 560 persons. This means that for each old-age pensioner, there are only 3.8 persons in the labour force.

V - 3. Persons protected

Article 27. Protocol to the ECSS
The persons protected shall comprise:
(a) prescribed classes of employees, constituting not less than 80 per cent of all employees; or
(b) prescribed classes of the economically active population, constituting not less than 30 per cent of all residents; or
(c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.

Article 16. C128
1. The persons protected shall comprise:
(a) all employees, including apprentices; or
(b) prescribed classes of the economically active population, constituting not less than 75 per cent. of the whole economically active population; or
(c) all residents or residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 28.

As a general rule, all persons who are either resident or working in Norway are compulsorily insured under the Norwegian National Insurance Scheme. Persons insured under the National Insurance Scheme are entitled to earning and drawing old-age pension. As is shown later in this report, Norway has two old-age pension schemes. The "old scheme", covering persons born in 1953 or earlier, and the "new scheme", covering persons born in 1963 or later. For persons born in the years 1954–1962, the old-age pension will consist of proportional parts calculated according to the new and the old earning provisions.

Both schemes have provisions which ensure a guaranteed flat-rate pension for persons who have never been part of the labour force and for those who have had low income.

In the old scheme, the income had to exceed the Basic amount before the person concerned started earning a supplementary pension. However, due to the flat-rate minimum pension, persons with a low income would be secured a relatively high replacement rate.

In the new scheme, income-based pension is accumulated on the basis of all pensionable income, earned between the ages of 13 and 75.

The persons protected by the Norwegian old-age pension scheme therefore comprise not only all employees, including apprentices, but all residents.

V - 4. Level and Calculation of Benefit

Article 28. Protocol to the ECSS
The benefit shall be a periodical payment calculated as follows:
(a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
(b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67. Provided that a prescribed benefit shall be guaranteed without means tests to the prescribed classes of persons determined in accordance with sub paragraphs a or b of Article 27, subject to qualifying conditions not more stringent than those specified in paragraph 1 of Article 29.

Article 17. C128
The old-age benefit shall be a periodical payment calculated as follows:
(a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;
(b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.

As part of the Pension Reform, the possibility of flexible drawing of old-age pensions for persons aged 62 to 75 was introduced. In order to draw an old-age pension before attaining the age of 67, the pension must, when the person in question attains the age of 67, at least equal the minimum pension level for persons with an insurance period of 40 years.

The pension may be drawn fully or partially. The drawing alternatives are 20, 40, 50, 60, 80 and 100 per cent. Work and pension may be combined, without deductions being made in the pension. If one continues to work, additional pension entitlement is earned, up to and including the year in which one attains the age of 75, even if one has already started drawing the pension. Pensions drawn with effect from 2011 and later will be subject to a life expectancy adjustment. Life expectancy adjustment is a mechanism for securing sustainability of the old-age pension scheme in face of the continued growth in life expectancy of the population. The mechanism links pensionable age or the pension level to the development in the population's life expectancy. When the life expectancy of the population increases, one will have to work a little longer in order to be entitled to the same annual pension, because the pension entitlement one has earned will be divided on

a longer life expectancy. The pension is calculated by dividing one's pension capital by an annuity divisor. The divisor is determined on the basis of the remaining life expectancy at the time pension drawing begins. This mechanism entails that the annual pension amount will be higher, the longer pension drawing is deferred.

The provisions on pension drawing are designed to be neutral, meaning that the sum of the old-age pension one receives during one's period as a pensioner, shall be independent of when pension drawing starts.

The pension reform has also had an impact on the indexation provisions. Pensions under payment are adjusted by the average of wage and price growth. The minimum pension level is adjusted in the same way. Pension rights in the course of acquisition are indexed to the average wage rate.

As a consequence of the pension reform, new provisions have also been introduced for pension calculation for persons born after 1953. For persons born in the years 1954–1962, the old age-pension will consist of proportional parts calculated according to the new and the old earning provisions. Persons born in 1963 or later will have their entire pension calculated according to the new earning provisions.

Old-age Pension – old provisions

Old-age pension consists of a basic pension, a supplementary pension and/or a special supplement, and possible supplements for children and spouse (income-tested). For old-age pensions drawn with effect from 2011 or later, for persons born in 1943 or later, a pension supplement is granted instead of the special supplement.

Basic pension, supplementary pension and/or special supplement or pension supplement is divided by the person's annuity divisor at the time of drawing, and then adjusted depending on whether the pension is drawn fully or partially. Pensions under payment are adjusted by the average of wage and price growth.

Basic Pension

Persons, who are insured for pension purposes and who have a total insurance period of at least five years between the age of 16 and the year they become 66, are entitled to a basic pension. The condition of present insurance affiliation, does not apply to persons who have been insured for at least 20 years (on the basis of periods of residence etc.) or are entitled to a supplementary pension.

The basic pension is calculated on the basis of the insurance period, and is independent of previous income and contributions paid. A full basic pension requires an insurance period of minimum 40 years. If the insurance period is shorter, the basic pension will be proportionally reduced. A person with only five years of insurance, will receive 5/40 of a full basic pension.

For persons who are not insured for pension purposes and who have less than 20 years of insurance (based on residence periods etc.), the basic pension is calculated on the basis of the same number of years as the supplementary pension.

The full basic pension will be 90 per cent of the B.a. (NOK 111 625) if the pensioner's spouse (or a cohabitant whom he/she previously was married to, has or has had children together with or has been living with for at least 12 of the last 18 months) receives pension or has an annual income exceeding 2 B.a. (NOK 248 056).

For a single pensioner, a full basic pension equals 100 per cent of the B.a. (NOK 124 028). The rationale behind the differentiation between single pensioners and pensioners who are married/cohabitants, is that it is more expensive to be living alone.

The basic pension is divided by the person's annuity divisor at the time when the drawing of pensions start, and then adjusted depending on whether the pension is drawn fully or partially. Pensions under payment are adjusted by the average of wage and price growth.

The aim of the scheme is to maintain, to a certain degree, the accustomed standard of living upon retirement.

Supplementary Pension

A person is entitled to a supplementary pension if his/her annual income exceeded the average B.a. of any year for five years after 1966. Full credit (pension points) is given for income up to 6 B.a. (NOK 744 168). Furthermore, 1/3 of income between 6 B.a. and 12 B.a. (NOK 1 488 336) is credited as pensionable income. (Before 1992, income up to 8 B.a. was credited at full rate, and income between 8 B.a. and 12 B.a. at 1/3.) Income exceeding 12 B.a. is disregarded.

The amount of the supplementary pension depends on the number of pension earning years and the annual pension points. A full supplementary pension requires as a general rule 40 pension-earning years. In the case of less than 40 pension-earning years, the pension is reduced proportionally.

Pension points are computed for each calendar year by dividing the pensionable income up to 6 B.a. (before 1992: 8 B.a.) minus one B.a., with the B.a. Income between 6 B.a. (before 1992: 8 B.a.) and 12 B.a. is divided by 3 B.a. The calculation uses the average B.a. for the year.

Example: If the pensionable income was six times the average B.a. in 2023:

$$\frac{(6 \times \text{NOK } 116\,239) - \text{NOK } 116\,239}{\text{NOK } 116\,239} = 5 \text{ pension points}$$

The maximal pension point, which can be credited for any one year, is 7. However, from 1971 to 1991, the maximal pension point was 8.33.

A full annual basic supplementary pension is 42 per cent (supplementary pension percentage) of the amount which appears when the current B.a. is multiplied by the average pension point figure for the person's twenty best income years (final pension point). If the person concerned has earned pension points for less than twenty years, the average of all pension point figures credited is used. For years prior to 1992, the supplementary pension percentage is 45. The supplementary pension is then divided by the pensioner's annuity divisor at the time of drawing, and then adjusted depending on whether the pension is drawn fully or partially. Pensions under payment are adjusted by the average of wage and price growth.

Persons who are taking care of children under 6 years of age and of disabled, sick and elderly persons at home, are credited a pension point figure in the supplementary pension scheme up to 3.50 (per year for the years 1992–2009). With today's basic amount, this corresponds to an income of NOK 434 098. For years after 2009, they are credited an annual pension earning of 18.1 per cent of 4.5 B.a., which corresponded to an amount of 556 126 with today's basic amount. The basis for calculating the pension accrual is the same, but in the old system an amount corresponding to the basic amount was deducted in connection with the calculation of the pension accrual, which is not done when calculating the pension accrual in the new system.

The survivor's benefits of the National Insurance Act have been subject to a reform. The new provisions came into force 1 January 2024. The scheme where a surviving spouse could be entitled to a beneficial calculation of his/hers old-age pension is about to be phased out. Pensioners subject to the old pension scheme may be entitled to a beneficial calculation, but the additional pension that may result from such calculation will be kept nominally unchanged and be phased out over time.

Special Supplement/Pension Supplement

Pensioners who have no supplementary pension, are entitled to a special supplement from the National Insurance Scheme. Pensioners who are only entitled to a small supplementary pension (not exceeding the level of the special supplement), are also entitled to a special supplement (In these cases, the amount of the supplementary pension is deducted from the amount of the special supplement. Disregarding this technicality, the result could be regarded as a "topping up" of the supplementary pension to the level of the special supplement.)

A full special supplement is payable if the insurance period is at least 40 years. The special supplement is reduced proportionally in the case of a shorter period.

To pensions drawn with effect from 2011 or later, for persons born in 1943 or later, a pension supplement is granted instead of the special supplement. The pension supplement equals the difference between the minimum pension level and the pension basis (basic pension and supplementary pension).

The minimum pension level is determined with several rates, depending on whether the beneficiary lives together with a spouse and the income of the spouse. The rules for spouses also apply to a pensioner who lives together with a partner with whom he/she has children or to whom he/she has previously been married.

A pensioner is entitled to the minimum pension level at the low rate if he/she is living with a spouse who is also receiving old-age pension or contractual pension from the public sector. If both spouses are receiving full retirement pension, they are covered by a guarantee, specifying that their collective pensions will at least be equivalent to twice the minimum pension level at the ordinary rate.

A pensioner is entitled to the minimum pension level at the ordinary rate if he/she is living with a spouse who is receiving disability benefit.

A pensioner who is living with a spouse who is not receiving any of the aforementioned benefits, but who has an annual income, including capital income, which is greater than twice the basic amount, is entitled to a pension at the ordinary rate.

A pensioner is also entitled to a minimum pension at the ordinary rate if he/she in twelve of the last 18 months has lived with a person who:

- receives retirement pension, contractual pension or disability benefit,
- receives benefits as a surviving spouse or former family nurse,
- or has an annual income, including capital income, which is greater than twice the basic amount.

If the pensioner supports a spouse over the age of 60 and qualify for spouse's supplement, he/she is entitled to the minimum pension level according to a special rate.

In other cases than the ones listed above, a pensioner who is married will be entitled to the minimum pension level at the high rate. With effect from 1 September 2016, a new special rate was established for single pensioners, i.e. the high rate 1 May 2016 plus NOK 4 000. The minimum pension level for single old-age pensioners was increased by NOK 4 000 with effect from 1 September 2017. From the same date, the minimum pension level for old age pensioners who are married was increased by NOK 1 000. These increases are in addition to the ordinary annual adjustment with effect from 1 May. The minimum pension level for single old age pensioners was further increased by NOK 4 000 with effect from 1 September 2019. The minimum level for single old age pensioners was further increased by NOK 4 000 with effect from 1 May 2020. This level was increased further with NOK 5 000 with effect from 1 July 2021, and again with NOK 4 000 with effect from 1 January 2023.

The list below shows the development of the five rates in the period from 2011 to the present.

	Low rate		**High rate**	**Special Rate**

		Ordinary rate		Single pensioner	Married or cohabiting pensioner
1 Jan. 2011	120 276	139 932	151 272	-	226 920
1 May 2011	125 338	145 822	157 639	-	236 471
1 May 2012	129 294	150 425	162 615	-	243 935
1 May 2013	133 546	155 372	167 963	-	251 957
1 Jan. 2014	133 546	155 372	167 963	-	261 957
1 May 2014	137 768	160 285	173 274	-	270 240
1 May 2015	139 728	162 566	175 739	-	274 085
1 May 2016	142 915	166 274	179 748	-	280 337
1 Sept. 2016	147 408	170 765	179 748	183 748	280 337
1 May 2017	148 225	171 711	180 744	184 766	281 891
1 Sept. 2017	149 225	172 711	181 744	188 766	282 891
1 May 2018	153 514	177 675	186 968	194 192	291 022
1 May 2019	157 171	181 908	191 422	198 818	297 955
1 Sept. 2019	157 171	181 908	191 422	202 818	297 955
1 May 2020	158 621	183 578	193 188	208 690	300 704
1 May 2021	166 242	192 408	202 470	218 717	315 152
1 May 2022	173 025	200 257	210 730	232 816	328 009
1 Jan. 2023	173 025	200 257	210 730	236 816	328 009
1 May 2023	187 801	217 359	228 726	257 040	356 021
1 May 2024	192 984	223 358	235 039	264 134	365 847

A person with at least 40 years of insurance, is entitled to an unreduced minimum pension level at the age of 67. If the insurance period is shorter (but at least five years), the pension supplement is reduced proportionally.

Old-age Pension – new provisions

According to the new provisions, old-age pension consists of an income-based pension, calculated on the basis of previous income. A guaranteed pension will be granted to persons who have earned no, or only a small, income-based pension.

Income-based Pension

All pensionable income earned between the ages of 13 and 75 counts towards the pension.

For each year of pension earning, a pension capital is accumulated. The annual pension earning equals 18.1 per cent of pensionable income. All income up to a ceiling of 7.1 the average B.a. (NOK 825 297) is included.

The income-based pension is determined on the basis of the pension capital at the time of drawing. The pension capital is then converted to an annual pension by dividing it by the pensioner's annuity divisor. The annuity divisor reflects the remaining life expectancy at the time of drawing.

Guaranteed Pension

Persons, who are insured for pension purposes and who have a total insurance period of five years between the age of 16 and the year they become 66, are entitled to a guaranteed pension. The condition of present insurance affiliation does not apply to persons who have been insured for at least 20 years (on the basis of periods of residence etc.).

The guaranteed pension is granted at two different rates, depending on whether the beneficiary lives together with a spouse and the income of the spouse. The rules for spouses also apply to a pensioner who lives together with a partner with whom he/she has children or to whom he/she has previously been married. The guaranteed pension is determined on the basis of the insurance period, and is independent from both previous income and paid contributions. The guaranteed pension is reduced proportionally in the case of a shorter insurance period than 40 years.

The guaranteed pension is reduced by 80 per cent of the income-based pension.

The list below shows the development of the rates in the period from 2016 to the present.

	Ordinary rate	**High rate**
1 January 2016	162 566	175 739
1 May 2016	166 274	179 748
1 May 2017	167 196	180 744
1 May 2018	172 002	185 939
1 May 2019	176 099	190 368
1 May 2020	177 724	192 125
1 May 2021	186 263	201 356
1 May 2022	193 862	209 571
1 May 2023	210 418	227 568
1 May 2024	216 226	233 746

1. Recourse is had to Article 16, paragraph 1 (a) and to Article 26.

cf. Article 26, Title I
Reference is made to previous reports for the provisions concerning the calculation of old-age benefit and to Article 10 above.

A. Recourse is had to Article 26, paragraph 6 (a)

B. Recourse is had to Article 26, paragraph 9.

Based on the comments from the Committee of Ministers, the calculation below is based on 20 years of earning pension points for the husband and on 20 years of residence for both spouses.

Article 17

cf. Article 26, Title III

C) The standard beneficiary is a male born in January 1957, with previous wages in 2023 (cf. Article 10) amounting to NOK 540 720 and with 3.67 pension points (based on the average B.a. of 2023 = NOK 116 239), and an average of 3.67 pension points throughout his working career.

His wife, also born in January 1957, was supported by her husband before becoming a pensioner (she has thus not earned supplementary pension of her own).

They both start drawing their pensions in January 2024. The calculation is, however, based on the average B.a. of 2023 (NOK 116 239) in order to fulfil the requirements of paragraph 4 of Article 65 of the Code, concerning calculation "on the same time basis". We would, however, like to point out that for pensions drawn in January 2024, the calculation would in reality be made on the basis of the applicable B.a. as per January 2024 (NOK 118 620), which results in a slightly higher pension.

As a result of the spouses both being born in 1957, they will receive a pension from both the old and new old-age pension system. 60 per cent of the pension comes from the old system, while 40 per cent comes from the new system. The annuity divisor in the old and new pension system is 1.083 and 15.46, respectively.

D) Calculated old age pension

Pension calculated according to old rules

Basic pension $\frac{\text{NOK 116 239 x 20 x 90}}{\text{40 x 100}}$ = NOK 52 307

Supplementary pension $\frac{\text{NOK 116 239x 3.67 x 20 x 42}}{\text{40 x 100}}$ = NOK 89 585

The pension basis = NOK 141 892

Being born in January 1957, and starting to draw his pension with effect from January 2024, his annuity divisor is 1.083. 60 per cent of the annual benefit is based on old rules.

Amount of benefit granted a year $\frac{\text{NOK 141 892 x 60}}{\text{1.083 x 100}}$ = NOK 78 610

Pension calculated according to new rules

Calculated pension assets $\frac{\text{NOK 540 720 x 14* x 18.1}}{\text{100}}$ = NOK 1 370 184

* There are fourteen years of earnings because the new rules only have been in force since 2010.

Being born in January 1957, and starting to draw his pension with effect from January 2024, his annuity divisor is 15.46. 40 per cent of the annual benefit is based on new rules:

$\frac{\text{NOK 1 370 184 x 40}}{\text{15.46 x 100}}$ = NOK 35 451

Amount of benefit granted a year (NOK 78 610 + NOK 35 451) = NOK 114 061

The wife is entitled to an annual (residence based) old-age pension of her own, based on a 20-year period of residence, equal to 20/40 of the minimum pension level:

Pension calculated according to old rules

$\frac{\text{NOK 187 801x 20 x 60}}{\text{40 x 100}}$ = NOK 56 340

Pension calculated according to new rules

$\frac{\text{NOK 210 418 x 20 x 40}}{\text{40 x 100}}$ = NOK 42 084

Amount of benefit granted a year (NOK 56 340 + NOK 42 084) = NOK 98 424

G) Sum of benefits payable during contingency as a percentage of the standard wage payable during employment is

D/C = (114 061 + 98 424) / 540 720 =
212 485/540 720 = 0.3929: 39.29%

The Pension Insurance Scheme for Fishermen

Reference is made to previous reports.

During the period under review, the annual benefit amounts for persons with maximum qualifying periods (1,560 weeks), were 1.6 B.a.

Fishermen with shorter qualifying periods, receive a proportionally reduced pension.

The Pension Insurance Scheme for Seafarers

Reference is made to previous reports.

Pension rates applying during the period under review (credited per month of service, up to a maximum of 360 months):

Period	Type of benefit	Officers	Sailors	
			For sea service before 1 May 1993	For sea service after 30 April 1993
2011 – 2019	Ordinary rate	0.91 per cent of B.a.	0.65 per cent of B.a.	0.76 per cent of B.a.

From 1 January 2020, the scheme was changed to a model where the sailors earn a pension of 6.3 per cent of income up to 12 B.a. This applies to persons hired after 1 January 2020 who had not reached the age of 50 at this time. The minimum period has been reduced from 12.5 years to 3 years.

Article 17 of Convention No. 128. Calculation of the replacement rate of the old-age benefit. The Committee notes that the old-age benefit of the standard beneficiary (man with wife of pensionable age) is composed of the basic pension and supplementary pension for the husband and the basic pension and the special supplement for his wife. The husband is born in 1951, starts drawing his pension at 65 and his annuity divisor is 1.156; his wife is born in 1949, starts drawing her pension at 67 and her annuity divisor is 1.030. The Committee observes that the selection of the standard beneficiary where the wife's natural and pensionable age is two years older than her husband, is rather unexpected. **Recalling that the old-age pension in Norway can be drawn already at the age of 62, the Committee asks the Government to recalculate, in accordance with Article 26 of the Convention, the replacement rate of the old-age benefit for a married couple with both spouses retiring under the standard scenario at reaching the lowest legal pension age of 62 years. The Committee draws the Government's attention that this calculation can also be done under Article 27 of the Convention by establishing the replacement rate of combined guaranteed minimum pensions granted to a married couple after 20 years of residence (insurance) in Norway.**

Norway's response:

Based on the comments from the Committee of Ministers, the calculation below is based on Article 26 of the Convention by establishing the replacement rate of the old-age benefit for a married couple with both spouses retiring under the standard scenario at reaching the lowest legal pension age of 62 years. The standard beneficiary is a male born in January 1959. The wife is also born in January 1959 and is supported by her husband until retirement.

Persons born between 1954 and 1962 will get their old age pension calculated in a combination of old and new pension rules. Being born in 1959, the old age pension is calculated 40 per cent based on old new pension rules and 60 per cent based on new pension rules.

In order to draw an old-age pension before attaining the age of 67, the pension must, when the person in question attains the age of 67, at least be equal to the minimum pension level for persons with an insurance period of 40 years. The minimum pension level is reduced proportionally in the case of a shorter insurance period than 40 years if a pension has been earned in a country with which Norway has a social security agreement.

To be entitled to an annual old-age pension from 62 years, with 20 years of pension accrual in Norway and another country Norway has a social security agreement with, the pension of the beneficiary must equal 20/40 of the minimum pension level at the age of 67 years:

$$\frac{\text{NOK 187 801 x 20}}{40} = \text{NOK 93 900}$$

A) The example assumes that the standard beneficiary has had average income of NOK 540 720 for 20 years when retiring at the age of 62 years. Given that the wife is inactive, she will not qualify for old age pension before attaining the age of 67.

B) Old age pension calculated with the old pension rules:

Basic pension $\frac{\text{NOK 116 239 x 20 x 90}}{40 \text{ x } 100} = \text{NOK 52 307}$

Supplementary pension $\frac{\text{NOK 116 239 x 3.67 x 20 x 42}}{40 \text{ x } 100} = \text{NOK 89 585}$

The pension basis = NOK 141 892

Being born in January 1959, and starting to draw his pension with effect from January 2024, his annuity divisor is 1.382. 40 per cent of the annual benefit is based on old pension rules:

$$\frac{\text{NOK 141 892x 4}}{1.382 \quad 10} = \underline{\text{NOK 41 069}}$$

C) Old age pension calculated with the new pension rules:

Calculated pension assets NOK 540 720 x 20 x $\frac{18,1}{100}$ = NOK 1 957 406

Being born in January 1959, and starting to draw his pension with effect from January 2024, his annuity divisor is 19.77. 60 per cent of the annual benefit is based on new pension rules:

$$\frac{\text{NOK 1 957 406}}{19.77} \times \frac{60}{100} = \text{NOK 59 405}$$

D) Amount of benefit granted a year NOK 41 069 + NOK 59 405 = NOK 100 474

The standard beneficiary is entitled to retire at the age of 62 as the calculated old age benefit at 62 years is higher than 20/40 of the minimum pension level at the age of 67 years (NOK 93 900).

D) Sum of benefits during contingency as a percentage of the sum of the standard wage during employment is
(D)/(A) = 100 474 / 540 720 = 0.1858 = 18.6 per cent

Based on the comments from the Committee of Ministers, the calculation below is based on 30 years of earning pension points for the husband and on 20 years of residence for both spouses.

A) The standard beneficiary is a male born in January 1957, with previous wages in 2023 (cf. Article 10) amounting to NOK 540 720 and with 3.67 pension points (based on the average B.a. of 2023 = NOK 116 239), and an average of 3.67 pension points throughout his working career. His wife, also born in January 1957, was supported by her husband before becoming a pensioner (she has thus not earned supplementary pension of her own). They both start drawing their pensions in January 2024.

As a result of the spouses both being born in 1957, they will receive a pension from both the old and new old-age pension system. 60 per cent of the pension comes from the old system, while 40 per cent comes from the new system. The annuity divisor in the old and new pension system is 1.083 and 15.46 respectively.

B) Calculated old age pension

Pension calculated according to old rules

Basic pension $\frac{\text{NOK 116 239 x 20 x 90}}{40 \times 100}$ = NOK 52 307

Supplementary pension $\frac{\text{NOK 116 239 x 3.67 x 20 x 42}}{40 \times 100}$ = NOK 89 585

The pension basis = NOK 141 892

Being born in January 1957, and starting to draw his pension with effect from January 2024, his annuity divisor is 1.083. 60 per cent of the annual benefit is based on old rules.

Amount of benefit granted a year $\frac{\text{NOK 141 892 x 60}}{\text{1.083 x 100}}$ = NOK 78 610

Pension calculated according to new rules

Calculated pension assets $\frac{\text{NOK 540 720 x 14* x 18.1}}{\text{100}}$ NOK 1 370 184

* There are fourteen years of earnings because the new rules only have been in force since 2010.

Being born in January 1957 and starting to draw his pension with effect from January 2024, his annuity divisor is 15.46. 40 per cent of the annual benefit is based on new rules:

$\frac{\text{NOK 1 370 184 x 40}}{\text{15.46 x 100}}$ = NOK 35 451

Amount of benefit granted a year (NOK 78 610 + NOK 35 451) = NOK 114 061

C) The wife is entitled to an annual (residence based) old-age pension of her own, equal to 20/40 of the minimum pension level:

Pension calculated according to old rules

$\frac{\text{NOK 187 801 x 20 x 60}}{\text{40 x 100}}$ = NOK 56 340

Pension calculated according to new rules

$\frac{\text{NOK 210 418 x 20 x 40}}{\text{40 x 100}}$ = NOK 42 084

Amount of benefit granted a year (NOK 56 340 + NOK 42 084) = NOK 98 424

D) Sum of benefits payable during contingency as a percentage of the sum of the standard wage payable during employment is

(B+C)/(A) = (114 061 + 98 424 / 540 720 =
212 485/540 720 = 0.3929: 39.29 %

V - 5. Adjustment of benefits

§10 Article 65, §8 Article 66. C102 and ECSS
The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

Article 29. C128
1. The rates of cash benefits currently payable pursuant to Article 10, Article 17 and Article 23 shall be reviewed following substantial changes in the general level of earnings or substantial changes in the cost of living.
2. Each Member shall include the findings of such reviews in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation, and shall specify any action taken.

The Basic amount is adjusted annually, with effect from 1 May. Pensions in payment are indexed by the average of wage and price growth. The minimum pension level is indexed in the same way. Pension rights in the course of acquisition are indexed to the average wage rate.

Period under review	Cost-of-living index <1>	Earnings <2>	Standard benefit <3>
A. Beginning of period: 2022	125,9	512 400	139 052
B. End of period: 2023	131,9	540 720	147 705
C. Percentage A/B	95,5	94,8	94,14

<1> 2015 = 100 (Cost-of-living index. Source: Statistics Norway).
<2> Gross annual wage – reference is made to subparagraph 6a of Article 65 of the Code
<3> Calculated on the basis of 20 years of earning pension points, in accordance with the request from the Committee of Experts.

V - 6. Qualifying period

§1(f) Article 1 C102, §1(i) Article 1 ECSS, C128
The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

Article 29. C102 and ECSS
1. The benefit specified in Article 28 shall, in a contingency covered, be secured at least:
(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or
(b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with paragraph 1.b of this Article has been paid.
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.
4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment but is less than 30 years of contribution or employment; if such qualifying period exceeds 15 years, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.
5. Where the benefit referred to in paragraphs 1, 3 or 4 of this Article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be payable under prescribed conditions to a person protected who, by reason only of his advanced age when the provisions concerned in the application of this Part come into force, has not satisfied the conditions prescribed in accordance with paragraph 2 of this Article, unless a benefit in conformity with the provisions of paragraphs 1, 3 or 4 of this Article is secured to such person at an age higher than the normal age.

Article 18. C128
1. The benefit specified in Article 17 shall, in a contingency covered, be secured at least:
(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or
(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, a prescribed qualifying period of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the old-age benefit is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or
(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half of the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.
4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment or five years of residence but is less than 30 years of contribution or employment or 20 years of residence; if such qualifying period exceeds 15 years of contribution or employment, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

As shown above, the income based old-age pension of the Norwegian National Insurance Scheme according to the old scheme, is conditional upon completion of a minimum contribution period of five years.

Persons who have at least five years of legal residence in Norway prior to fulfilling the other requirements for an old-age pension, but who have less than 40 years of residence, will receive a reduced benefit. For example a residence period of 5 years will give 5/40 of the pension which would be paid after 40 years. The residence based component of the scheme does not require any contribution or employment.

Regarding the income based component of the scheme, five years of contributions are required for a pension according to the old provisions. Five years will give 5/40 of a full pension. According to the new provisions, however, there is no requirement concerning previous periods. Even a working period of a few weeks would result in a (small) pension payment. For every NOK 1 earned, NOK 0.18 is added to the pension capital.

Article 18(2). Calculation of the reduced old-age benefit. The Committee notes that the calculation of the reduced old-age benefit is based on a residence period of 15 years for both spouses. It points out that Article 18(2)(a) of Convention No. 128 requires payment of a reduced benefit only where the old-age benefit is conditional upon a minimum period of contribution or employment and does not concern pension systems based on residence. A reduced pension under these provisions shall be secured after 15 years of contribution or employment without any qualifying period of residence. This means that pension elements, supplements and allowances, the entitlement to which is subjected to a qualifying period of residence, particularly with respect to the dependent wife, shall be excluded from calculating the amount of the reduced pension of the standard beneficiary. **The Government is asked to explain whether provisions concerning reduced benefit are applicable to the pension system in Norway and, if they are, recalculate its replacement rate accordingly.**

Norway's response:
As noted by the Committee, in order to draw an old age pension before attaining the age of 67, the pension must, when the person in question attains the age of 67, be at least equal to the minimum pension level for persons with an insurance period of 40 years. This means that if the couple wishes to retire at the age of 62, and the wife has been inactive, she will not be entitled to old age pension before attaining the age of 67.

For the standard beneficiary, with previous standard wages, calculation is based on 15 years of insurance and 15 years of earning pension points. His wife would, even if she has not been occupationally active, be entitled to an old-age pension of her own. However, in light of the comment from the Committee of Experts, her pension is disregarded in the calculations below.

The standard beneficiary in this example was born in January 1957. He starts drawing his pension in January 2024. Since he was born in 1957 he will receive a pension from both the old and new old-age pension system. 60 per cent of the pension comes from the old system, while 40 per cent comes from the new system. The annuity divisor in the old and new pension system is 1.083 and 15.46 respectively.

Calculated old age pension

Pension calculated according to old rules

Basic pension $\frac{\text{NOK 116 239 x 15 x 90}}{40 \times 100}$ = NOK 39 231

Supplementary pension $\frac{\text{NOK 116 239 x 3.67 x 15 x 42}}{40 \times 100}$ = NOK 67 189

The pension basis = NOK 106 420

Being born in January 1957, and starting to draw his pension with effect from January 2024, his annuity divisor is 1.083. 60 per cent of the annual benefit is based on old rules.

Amount of benefit granted a year $\frac{\text{NOK 106 420 x 60}}{\text{1.083 x 100}}$ = NOK 58 958

Pension calculated according to new rules

Calculated pension assets $\frac{\text{NOK 540 720 x 14* x 18.1}}{\text{100}}$ NOK 1 370 184

* There are fourteen years of earnings because the new rules only have been in force since 2010.

Being born in January 1957, and starting to draw his pension with effect from January 2024, his annuity divisor is 15.46. 40 per cent of the annual benefit is based on new rules:

$\frac{\text{NOK 1 370 184 x 40}}{\text{15.46 x 100}}$ = NOK 35 451

Amount of benefit granted a year (NOK 58 958 + NOK 35 451) = NOK 94 409

Moreover, the calculation is made for a standard beneficiary based on Article 29(a) of the Code, i.e. on a qualifying period of 20 years of residence only. The Committee notes however that the standard beneficiary in the example taken for the model calculation is not only entitled to a residence-based basic pension, but also to a contributory supplementary pension. In this case, Article 29(a) of the Code allows the calculation of the old-age pension to be based on 30 years of contributions or employment. This is justified for the calculation of the minimum pension of the standard beneficiary's spouse, which is entitled to a residence based old-age minimum pension of her/his own. The Committee observes that the calculation of the old-age pension in Norway is based both on periods of residence (as regards the basic part) and periods of contribution (as regards the supplementary part). **The Committee thus requests the Government to provide the calculation of old-age pension replacement rate for a standard beneficiary under the assumption that he has completed a 30-year qualifying period for basic and supplementary pensions and his wife, a 20-year period of residence for basic pension, without adding further family allowances in respect of children. The Committee requests the Government to provide such calculation for a standard beneficiary born in 1953, who retires at the age of 67 in 2020.**

Norway's response:
Based on the comments from the Committee of Ministers, the calculation below is based on 30 years of earning pension points for the husband and on 20 years of residence for both spouses.

A) The standard beneficiary is a male born in January 1957, with previous wages in 2023 (cf. Article 10) amounting to NOK 540 720 and with 3.67 pension points (based on the average B.a. of 2023= NOK 116 239), and an average of 3.67 pension points throughout his working career. His wife, also born in January 1957, was supported by her husband before becoming a pensioner (she has thus not earned supplementary pension of her own). They both start drawing their pensions in January 2024.

Since the spouses were both born in 1957 they will receive a pension from both the old and new old-age pension system. 60 per cent of the pension comes from the old system, while 40 per cent comes from the new system. The annuity divisor in the old and new pension system is 1.083 and 15.46 respectively.

B)

Calculated old age pension

Pension calculated according to old rules

Basic pension $\frac{\text{NOK 116 239 x 30 x 90}}{\text{40 x 100}}$ = NOK 78 461

Supplementary pension $\frac{\text{NOK 116 239 x 3.67 x 30 x 42}}{\text{40 x 100}}$ = NOK 134 378

The pension basis = NOK 212 839

Being born in January 1957, and starting to draw his pension with effect from January 2024, his annuity divisor is 1.083. 60 per cent of the annual benefit is based on old rules.

Amount of benefit granted a year $\frac{\text{NOK 212 839 x 60}}{\text{1.083 x 100}}$ = NOK 117 916

Pension calculated according to new rules

Calculated pension assets $\frac{\text{NOK 540 720 x 14* x 18.1}}{\text{100}}$ = NOK 1 370 184

* There are fourteen years of earnings because the new rules only have been in force since 2010.

Being born in January 1957 and starting to draw his pension with effect from January 2024, his annuity divisor is 15.46. 40 per cent of the annual benefit is based on new rules:

$\frac{\text{NOK 1 370 184 x 40}}{\text{15.46 x 100}}$ = NOK 35 451

Amount of benefit granted a year (NOK 117 916 + NOK 35 451) = NOK 153 367

C) The wife is entitled to an annual (residence based) old-age pension of her own, equal to 20/40 of the minimum pension level:

Pension calculated according to old rules

$$\frac{\text{NOK 187 801x 20 x 60}}{\text{40 x 100}} = \text{NOK 56 340}$$

Pension calculated according to new rules

$$\frac{\text{NOK 210 418 x 20 x 40}}{\text{40 x 100}} = \text{NOK 42 083}$$

Amount of benefit granted a year (NOK 56 340 + NOK 42 083) = NOK 98 423

D) Sum of benefits payable during contingency as a percentage of the sum of the standard wage payable during employment is

(B+C)/(A) = (153 367 + 98 423) / 540 720 =
251 790/540 720 = 0.4656: 46.5 per cent

Part V (Old-age benefit), Article 28(a) of the Code, in conjunction with Article 29(a), Article 65 and Schedule to Part XI, as amended by the Protocol. Replacement rate of benefits. The Committee notes the calculation of the old-age pension replacement rate provided by the Government in reply to its previous request, i.e. based on a 30-year qualifying period for basic and supplementary pensions for a man and a minimum pension based on a 20-year period of residence for his wife at pensionable age (without adding further family allowances in respect of children). This calculation was made under the old pension formula for a standard beneficiary born in January 1954, who retires at the age of 67 in 2021. The Committee takes due note of this information. **It requests the Government to provide such calculations not only in accordance with the old pension formula, which applies to person born before 1954, but also in accordance with the new pension formula applicable to persons born after 1953, who retire at the age of 67.**

Norway's response:

The calculation made in connection with Norway's Report for 2021, was based on a person who was born in January 1954 and drew an old-age pension from the age of 67 in January 2021. As the Committee correctly points out, the person's old-age pension must be calculated according to both new and old regulations.

In the calculation example that follows, the calculation is made in accordance with the request of the Committee. As a result of two year having passed, the example is based on a person who was born in January 1957 and who draws an old-age pension from the age

of 67 in January 2024. Furthermore, the calculation is based on the average income of the standard beneficiary in 2023 and the average basic amount for 2023.

A) The standard beneficiary is a male born in January 1957, with previous wages in 2023 (cf. Article 10) amounting to NOK 540 720 and with 3.67 pension points (based on the average B.a. of 2023 = NOK 116 239), and an average of 3.67 pension points throughout his working career. His wife, also born in January 1957, was supported by her husband before becoming a pensioner (she has thus not earned supplementary pension of her own). They both start drawing their pensions in January 2024.

Persons born between 1954 and 1962 will get their old age pension calculated in a combination of old and new pension rules. Being born in 1957, the old age pension is calculated 60 per cent based on old pension rules and 40 per cent based on new pension rules.

B) Calculated old age pension

Pension calculated according to old rules

Basic pension $\frac{\text{NOK 116 239 x 30 x 90}}{\text{40 x 100}}$ = NOK 78 461

Supplementary pension $\frac{\text{NOK 116 239 x 3.67 x 30 x 42}}{\text{40 x 100}}$ = NOK 134 378

The pension basis = NOK 212 839

Being born in January 1957 and starting to draw his pension with effect from January 2024, his annuity divisor is 1.083. 60 per cent of the annual benefit is based on old rules:

$$\frac{\text{NOK 212 839 x 60}}{\text{1.083 x 100}} = \text{NOK 117 916}$$

Pension calculated according to new rules

Calculated pension assets $\frac{\text{NOK 540 720 x 14* x 18.1}}{\text{100}}$ = NOK 1 370 184

* There are fourteen years of earnings because the new rules only have been in force since 2010.

Being born in January 1957 and starting to draw his pension with effect from January 2024, his annuity divisor is 15.46. 40 per cent of the annual benefit is based on new rules:

$$\frac{\text{NOK 1 370 184 x 40}}{}$$

15.46 x 100 = NOK 35 451

Amount of benefit granted a year (NOK 117 916 + NOK 35 451) = NOK 153 367

C) The wife is entitled to an annual (residence based) old-age pension of her own, equal to 20/40 of the minimum pension level:

Pension calculated according to old rules

$$\frac{\text{NOK 187 801 x 20 x 60}}{\text{40 x 100}} = \text{NOK 56 340}$$

Pension calculated according to new rules

$$\frac{\text{NOK 210 418 x 20 x 40}}{\text{40 x 100}} = \text{NOK 42 084}$$

Amount of benefit granted a year (NOK 56 340 + NOK 42 084) = NOK 98 424

D) Sum of benefits payable during contingency as a percentage of the sum of the standard wage payable during employment is

(B+C)/(A) = (153 367 + 98 424) / 540 720 =
251 791/540 720 = 0.4656: 46.6 per cent

V -7. Duration of Benefit

Article 30. C102 and ECSS
The benefits specified in Articles 28 and 29 shall be granted throughout the contingency.

Article 19. C128
The benefit specified in Articles 17 and 18 shall be granted throughout the contingency.

The old-age pension of the National Insurance Scheme is granted throughout the contingency. However, see V – 8 below, concerning suspension of benefits.

V - 8. Suspension of Benefit

See under Part XIII-1

Article 31. C128
1. The payment of invalidity, old-age or survivors' benefit may be suspended, under prescribed conditions, where the beneficiary is engaged in gainful activity.
2. A contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary exceed a prescribed amount; the reduction in benefit shall not exceed the earnings.
3. A non-contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Old-age pension may, under both the old and the new scheme, be drawn fully or partially. The drawing alternatives are 20, 40, 50, 60, 80 and 100 per cent. Work and pension may be combined, without deductions being made in the pension. If one continues to work, additional pension entitlement is earned, up to and including the year in which one attains the age of 75, even if one has already started drawing the pension.

The basic pension is calculated on the basis of the insurance period, and is independent of previous income and contributions paid.

The full basic pension is 0.9 B.a. (NOK 111 625), if the pensioner's spouse (or a cohabitant whom he/she previously was married to, has or has had children together with or has been living with for at least 12 of the last 18 months) receives pension or has an annual income exceeding 2 B.a. (NOK 248 056). For a single pensioner, the full basic pension is 1 B.a. (NOK 124 028), cf. information given above.

Article 32. C128
1. A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to IV of this Convention may be suspended to such extent as may be prescribed:
(a) as long as the person concerned is absent from the territory of the Member, except, under prescribed conditions, in the case of a contributory benefit;
(b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;
(c) where the person concerned has made a fraudulent claim;
(f) in appropriate cases, where the person concerned, without good reason, neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries.
2. In the case and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.

1 (a) The old-age pension of the National Insurance Scheme will as a general rule be suspended if the insurance is terminated. Insurance under the National Insurance Scheme will as a general rule be terminated for a person who resides outside of Norway for more than 12 consecutive months (or, for two consecutive years, more than six months per year), or who takes up work abroad. However, if compulsory membership is terminated, the person may be entitled to a voluntary membership.

Residence or work abroad are the only situations in which the compulsory insurance will be terminated. This is in compliance with the Code, cf. subparagraph (a) of Article 68. See also Article 69 subparagraph (a) of C102 and Article 32 subparagraph 1 (a) of C128, which allows for suspension of the benefit as long as the person is absent from the territory of Norway.

A pensioner who is no longer insured under the scheme, but has been insured for at least 20 years, will, however, be entitled to full old-age pension. A pensioner who is no longer insured because he/she has left the country and who has been insured for less than 20 years, will be entitled to an old-age pension on the basis of previous calendar years in which he/she has had pensionable income equal to at least 1 B.a. (NOK 124 028).

1 (b) A pensioner who is maintained at public expense at a psychiatric institution, will have 86 per cent of his/her pension suspended from the fourth month following the month in which he/she was institutionalised. However, if the pensioner is supporting a spouse or children under the age of 18, the pension will not be suspended.

When pensioners are residing in municipal nursing homes, the municipalities may charge a fee of up to 75 per cent of the annual pension (and other income) exceeding NOK 9 400. Of income in excess of 1 B.a. (NOK 124 028), the municipality may charge up to 85 per cent. The fee is, however, reduced if the pensioner has a spouse who still lives at home, or children under the age of 18.

Old-age pension is not suspended during a stay in a somatic hospital.

A pensioner who is serving a prison sentence will have his pension suspended from the second month following the month in which the imprisonment started. However, if the pensioner supports children under the age of 18, 50 per cent of the pension will be paid out.

Article 33. C128
1. If a person protected is or would otherwise be eligible simultaneously for more than one of the benefits provided for in this Convention, these benefits may be reduced under prescribed conditions and within prescribed limits; the person protected shall receive in total at least the amount of the most favourable benefit.
2. If a person protected is or would otherwise be eligible for a benefit provided for in this Convention and is in receipt of another social security cash benefit for the same contingency, other than a family benefit, the benefit under this Convention may be reduced or suspended under prescribed conditions and within prescribed limits, subject to the part of the benefit which is reduced or suspended not exceeding the other benefit.

Recourse is had to paragraph 1 of Article 33.

As described above, old-age pension may be drawn from the age of 62. Cash benefits in the case of sickness is granted to occupationally persons between the ages of 62 and 70 according to the same rules that apply to other age groups, irrespective of whether or not the person in question has already begun drawing old-age pension. It is therefore possible for this group to receive the full amount of old-age pension and the full amount of cash benefits in the case of sickness at the same time. However, for persons between the ages of 67 and 70, cash benefits in the case of sickness are granted for up to 60 days, and only if the annual income exceeds 2 B.a.

Unemployment benefit is stopped when the recipient attains the age of 67.

Recourse is not had to paragraph 2 of Article 33.

The following rules apply in case of accumulation of old age, invalidity and survivors' benefit:
Old age benefit
An old age pensioner with 100 per cent old age pension is not eligible for disability benefit. If an old age pensioner becomes a surviving spouse, he/she may under the old scheme be entitled to a part of the aggregated supplementary pension of the deceased. The additional pension resulting from these calculation provisions will be kept nominally unchanged and will be phased out over time.

The disability benefit
The age limit for entitlement to Disability Benefit is 67 years, which means that the last payment will take place in the month in which the recipient attains the age of 67. Old-age Pension may, however, be drawn from the month after the insured person attains the age of 62, provided that certain conditions are met. A person may therefore, between the age of 62 and 67, receive both a partial old-age pension and a partial disability benefit at the same time, i.e. up to a 100 per cent accumulated benefit.

Adjustment allowance to survivors
A surviving spouse etc. will at age 67 transfer to old age pension. The Norwegian National Insurance Act's benefits to a surviving spouse were otherwise changed with effect from 1 January 2024, see a more detailed description of the new benefit under point x - 2. Both the benefits that were granted before 1 January 2024 and after 31 December 2023 cease when the surviving spouse turns 67.

V - 9. Right of complaint and appeal

Article 34. C128
1. Every claimant shall have a right of appeal in the case of refusal of benefit or complaint as to its quality or quantity.
2. Procedures shall be prescribed which permit the claimant to be represented or assisted, where appropriate, by a qualified person of his choice or by a delegate of an organization representative of persons protected.

See under Part XIII-2

V - 10. Financing and Administration

See under Part XIII-3

Article 30. C128
National legislation shall provide for the maintenance of rights in course of acquisition in respect of contributory invalidity, old-age and survivors' benefits under prescribed conditions.

Whereas some countries may have numerous old-age pension schemes, for different sectors or even for individual employers, the Norwegian National Insurance Scheme is a universal and comprehensive scheme, covering the entire population irrespective of

sectors or employers, and even irrespective of whether the person in question has been occupationally active or not. Therefore, the maintenance of rights in course of acquisition will be unproblematic when a person changes employment or goes in or out of the labour market.

Article 35. C128
1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

Article 36. C128
Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.

Taxation of Social Security Benefits

Old-age pensioners are entitled to a special tax deduction. This deduction ensures that pensioners with only a minimum pension are not liable to pay tax. The effect of the deduction is gradually reduced for pensioners with higher pensions.

The supplement for pensioners supporting a spouse is tax free.

Part VI. Employment Injury Benefit

Norway has accepted the obligations resulting from C12, C42, Part VI of C102 and Part VI of the ECSS, as amended by its Protocol.

List of applicable legislation

- The Norwegian National Insurance Act (lov om folketrygd) of 28 February 1997 No. 19, with later amendments

  The Act may be found at the following site:

  https://lovdata.no/dokument/NL/lov/1997-02-28-19/*#*

  At present, the Act is only available in Norwegian.

  Reference is made to Chapter 2 of the Act, concerning the provisions on mandatory insurance coverage, and to Chapter 13 of the Act, concerning the general provisions on occupational injury. Specific provisions concerning occupational injuries are also found in different Chapters of the Act, as regards the relevant benefits.

  Reference is in particular made to the following Sections of the Act:

  - Section 5-25 concerning Health Care Benefits
  - Section 6-9 concerning Basic Benefit and Attendance Benefit
  - Section 7-5 concerning Funeral Grant
  - Section 8-55 concerning Daily Cash Benefits in the Case of Sickness
  - Section 11-22 concerning Work Assessment Allowance
  - Section 12-17 concerning Disability Benefit
  - Section 17-12 concerning Benefits to Surviving Spouse
  - Section 18-11 concerning Children's Pension
  - Sections 19-20 and 20-10 concerning Old-age Pension

There is also an additional scheme for occupational injury insurance, outside of the framework of the Norwegian National Insurance Scheme:

- The Act relating to industrial injury insurance (lov om yrkesskadeforsikring) of 16 June 1989 No. 65, with later amendments
  The Act may be found at the following site:

  https://lovdata.no/dokument/NL/lov/1989-06-16-65

  At present, the Act is only available in Norwegian.

Reference is also made to Norway's reports of 2018 on ILO Conventions Nos 12 and 19.

Reference is furthermore made to our annual brochure entitled "The Norwegian Social Insurance Scheme", which may be found at the following site:

https://www.regjeringen.no/en/dokumenter/the-norwegian-social-insurance-scheme-20242/id3029440/

VI - 1. Regulatory framework

Article 1. C12
Each Member of the International Labour Organisation which ratifies this Convention undertakes to extend to all agricultural wage-earners its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.

§1 Article 1. C42
Each Member of the International Labour Organisation which ratifies this Convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.

Article 31. C102 and ECSS
Each Member (Contracting Party) for which this part of this Convention (Code) is in force shall secure to the persons protected the provision of employment injury benefit in accordance with the following articles of this Part.

BENEFITS IN THE CASE OF OCCUPATIONAL INJURY
All employees (including all agricultural wage-earners) and certain other groups, e.g. military conscripts and pupils/students are mandatorily covered for occupational injury under the National Insurance Scheme. Self-employed persons and freelancers may take out voluntary insurance against occupational injury.

A person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to:

- The full range of the ordinary benefits of the National Insurance Scheme. However, in the case of occupational injury, the ordinary provisions concerning these benefits are not applied. Instead, special rules apply, which are generally more favourable than the ordinary rules. This applies to medical benefits, sickness benefits etc. as well as pensions.
- A special benefit, which is only applicable in the case of occupational injury, which compensates for non-economic loss (reduced quality of life) may be granted on the basis of the medical nature and degree of the injury. The maximum benefit amount is 75 per cent of the B.a. (NOK 93 021) per year.

In addition, the person may be eligible for benefits under the mandatory Occupational Injury Insurance Scheme ("yrkesskadeforsikringsloven"), which is a scheme outside the framework of the National Insurance Scheme. This scheme, which is administered by private insurance companies, gives individual compensations and/or lump sum indemnities to cover loss of earnings and expenses not compensated by the National Insurance Scheme.

The injured and the survivors may claim benefits under both the National Insurance Scheme and the Occupational Injury Insurance Scheme.

Both tiers offer compensation for non-economic loss.

In our opinion, Norway fulfils the requirements of the Code concerning Employment Injury Benefit through the provisions of the National Insurance Act.

VI - 2. Contingency covered

Article 32. C102 and Protocol to the ECSS
The contingencies covered shall include the following where [the state of affairs described is – ECSS] *due to accident or a prescribed disease resulting from employment:*
a) a morbid condition;
b) incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national laws or regulations;
c) total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and
d) the loss of support suffered by the widow or child as the result of the death of the breadwinner; [in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support – C102].

Injury, sickness or death caused by an accident at work is regarded as occupational injury. Certain diseases are regarded as equal with occupational injury. Fatigue injuries and mental suffering caused by continuous strain are generally not regarded as falling within the scope of the legislation concerning occupational injury.

As a main rule, the injury or sickness must occur while working, at the place of work and during working hours.

The contingencies covered under the National Insurance Scheme in case of accidents or prescribed diseases resulting from employment, include the contingencies listed in Article 32 of C102 and the Protocol to the ECSS.

Entitlement to benefits in case of employment injury is not subject to having a certain previous minimum income from work. An employee is covered from the first day of employment. The ordinary income requirement of 0.5 B.a. for entitlement to cash benefits in case if sickness is not applicable in cases of employment injury. Cash benefits in case if sickness is, according to sub-paragraph b of Section 8-55 of the National Insurance Act, granted at least on the calculation basis which the insured person had at the time of injury.

Article 2. C42
Each Member of the International Labour Organisation which ratifies this Convention undertakes to consider as occupational diseases those diseases and poisonings produced by the substances set forth in the Schedule appended hereto, when such diseases or such poisonings affect workers engaged in the trades, industries or processes placed opposite in the said Schedule, and result from occupation in an undertaking covered by the said national legislation.

List of diseases and toxic substances	List of corresponding trades, industries and processes
Poisoning by lead, its alloys or compounds and their sequelae.	1 Handling of ore containing lead, including fine shot in zinc factories. 2 Casting of old zinc and lead in ingots.

	3 Manufacture of articles made of cast lead or of lead alloys. 4 Employment in the polygraphic industries. 5 Manufacture of lead compounds. 6 Manufacture and repair of electric accumulators. 7 Preparation and use of enamels containing lead. 8 Polishing by means of lead files or putty powder with a lead content. 9 All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.
Poisoning by mercury, its amalgams and compounds and their sequelae.	• Handling of mercury ore. • Manufacture of mercury compounds. • Manufacture of measuring and laboratory apparatus. • Preparation of raw material for the hatmaking industry. • Hot gilding. • Use of mercury pumps in the manufacture of incandescent lamps. • Manufacture of fulminate of mercury primers.
Anthrax infection.	➢ Work in connection with animals infected with anthrax. ➢ Handling of animals carcasses or parts of such carcasses including hides, hoofs and horns. ➢ Loading and unloading or transport of merchandise.
Silicosis with or without pulmonary tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	Industries or processes recognised by national law or regulations as involving exposure to the risk of silicosis.
Phosphorous poisoning by phosphorous or its compounds, and its sequelae.	Any process involving the production, liberation or utilisation of phosphorous or its compounds.
Arsenic poisoning by arsenic or its compounds, and its sequelae.	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Poisoning by benzene or its homologues, their nitro- and amido-derivatives, and its sequelae.	Any process involving the production, liberation or utilisation of bezene or its homologues, or their nitro- or amido-derivatives.
Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series.	Any process involving the production, liberation or utilisation of halogen derivatives of hydrocarbons of the aliphatic series designated by nationals laws or regulations.
Pathological manifestations due to: 459 a) radium and other radioactive substances; 460 b) X-rays.	Any process involving exposure to the action of radium, radioactive substances, or X-rays.
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.

VI - 3. Persons protected

Article 33. C102 and Protocol to the ECSS
The persons protected shall comprise:
(a)prescribed classes of employees, constituting not less than 50 per cent. [80 per cent. – Protocol to the ECSS] *of all employees, and, for benefit in respect of death of the breadwinner, also their wives and children; or*
[(b) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more, and, for benefit in respect of death of the breadwinner, also their wives and children - C102]

A. Recourse is had to subparagraph (a).

B. Reference is made to previous reports.

C. cf. Article 76, Title I

A. The number of employees protected under the employment injury scheme Q 1 in 2023 was: 2 845 307[7].

B. According to Statistics Norway, the total number of employees in average for the same year was: 2 845 307.

C. (A/B) x 100 = 100 per cent. The number of persons being insured is 100 per cent of the number of employees.

Employees are also covered by an Occupational Injury Insurance Scheme outside the framework of the National Insurance legislation.

Since the Committee previously has had questions regarding whether the entitlement to benefits in case of employment injury also is subjected to having a certain previous minimum income from work, the next paragraphs provide some information in this regard.

As stated under VI-1 of this report, a person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to:

- The full range of the ordinary benefits of the National Insurance Scheme. However, in the case of occupational injury, the ordinary provisions concerning these benefits are not applied. Instead, special provisions apply, which are generally more favourable than the ordinary provisions. This applies to medical benefits, sickness benefits etc. as well as pensions.
- A special benefit, which is only applicable in the case of occupational injury, which compensates for non-economic loss (reduced quality of life), granted on the basis of the medical nature and degree of the injury. The maximum benefit amount is 75 per cent of the B.a. (NOK 93 021) per year. There is no requirement concerning previous minimum income from work.

Statistical information

Total number of reported occupational injuries

[7] https://www.ssb.no/arbeid-og-lonn/statistikker/regsys

Year	Reported occupational injuries
2014	23 892
2015	23 942
2016	22 459
2017	21 937
2018	23 278
2019	21 991
2020	20 080
2021	23 201
2022	22894[8]

Source: Statistics Norway

Total number of reported fatal occupational accidents

Year	Number of reported fatal occupational accidents
2000	86
2001	59
2002	64
2003	68
2004	67
2005	61
2006	42
2007	54
2008	62
2009	62
2010	58
2011	63
2012	47
2013	54
2014	61
2015	40
2016	45
2017	44
2018	37
2019	33
2020	41
2021	39
2022	31[9]

Source: Statistics Norway

Total number of occupational injuries, agriculture and related activities

Year	Total number of reported occupational injuries, agriculture and related activities

[8] Figures for 2023 are not yet available.

[9] Figures for 2023 are not yet available.

2015	361
2016	351
2017	367
2018	374
2019	362
2020	400
2021	447
2022	387[10]

Source: Statistics Norway

VI - 4. Medical Care

Article 34. C102 and ECSS

1. In respect of a morbid condition, the benefit shall be medical care as specified in paragraphs 2 and 3 of this article.

2. The medical care shall comprise:

a) general practitioner and specialist in-patient care and out-patient care, including domiciliary visiting;

b) dental care;

c) nursing care at home or in hospital or other medical institutions;

d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;

e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances, kept in repair, and eyeglasses; and

f) the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner.

3 [4 – C102]. *The medical care provided in accordance with the preceding paragraphs shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.*

Health Care Benefits

In cases of occupational injury, health care benefits are granted without cost-sharing, cf. Section 5-25 of the National Insurance Act.

Work Assessment Allowance

In cases of occupational injury, Work Assessment Allowance is granted without any requirements concerning prior insurance periods, cf. Section 11-22 of the National Insurance Act.

VI - 5. Vocational rehabilitation

Article 35. C102 and ECSS

1. The institutions or government departments administering the medical care shall co-operate, wherever appropriate, with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in suitable work.

2. National laws or regulations may authorise such institutions or departments to ensure provision for the vocational rehabilitation of handicapped persons.

As stated above, a person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to the full range of the ordinary benefits of the National Insurance Scheme. (However, in the case of occupational injury,

[10] Figures for 2023 are not yet available.

the ordinary provisions concerning these benefits are not applied. Instead, special provisions apply, which are generally more favourable than the ordinary provisions.) Reference is therefore made to information provided under Part IX – 8. Invalidity Benefit. Rehabilitation services.

VI - 6. Level and Calculation of Benefit

§2 Article 1. C42
The rates of such compensation shall be not less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases shall be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

Article 36. C102 and ECSS
1. In respect of incapacity for work, total loss of earning capacity likely to be permanent, or corresponding loss of faculty, or the death of the breadwinner, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.
2. In case of partial loss of earning capacity likely to be permanent, or corresponding loss of faculty, the benefit, where payable, shall be a periodical payment representing a suitable proportion of that specified for total loss of earning capacity or corresponding loss of faculty.
3. The periodical payment may be commuted for a lump sum:
a) where the degree of incapacity is slight; or
b) where the competent authority is satisfied that the lump sum will be properly utilised.

As is stated above, a person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to the full range of the ordinary benefits of the National Insurance Scheme. (However, in the case of occupational injury, the ordinary provisions concerning these benefits are not applied. Instead, special provisions apply, which are generally more favourable than the ordinary provisions.) Reference is therefore made to information provided under relevant Parts of this report concerning the level and the calculation of the benefits.

2018 CEACR's conclusions - Pending
Calculation of the disability and survivors' benefits in case of employment injury. The Committee notes that the Government refers to the calculations of the replacement rate of the disability and survivors' benefits made under Parts IX and X of the Code for the standard beneficiary having completed an insurance period of 5, 15 and 40 years. ***As the benefits under Part VI of the Code cannot be made subject to the completion of any qualifying period, the Committee requests the Government to recalculate the replacement level of these benefits for the standard beneficiary where the breadwinner can justify only one day of insurance or residence in Norway.***

Please provide a response to the CEACR's conclusions. Norway's response given in 2019: The standard beneficiary is a male born in January 1952 with a contractual income of NOK 455 880. He is married, with two children. He has one day of insurance under the National Insurance Scheme when he becomes the victim of an employment injury.

If the employment injury disables the standard beneficiary 100 per cent, he will receive the following:

(D) Disability benefit $\frac{\text{NOK 455 880 x 66 x 40}}{\text{100 x 40}}$ = NOK 300 881

(E) Family benefit payable under employment
Child benefit – two children = NOK 23 280

(F) Family benefit payable during contingency
Child benefit – two children = NOK 23 280

Supplement for two children $\frac{\text{2 x NOK 95 800 x 40 x 40}}{\text{100 x 40}}$ = NOK 76 640

Total family benefit during contingency = NOK 99 920

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

D+F/C+E = 400 801/479 160 = 0.836): 83.6 %

If the employment injury causes the standard beneficiary's death, his surviving spouse and children will receive the following (the beneficiary is a widow with two children, while the late breadwinner was a male manual employee with previous wages of NOK 455 880, pension points equal to 3.76, based on the average B.a. in 2018, NOK 95 800).

(D) Basic pension $\frac{\text{NOK 95 800 x 40}}{\text{40}}$ = NOK 95 800

Supplementary pension

$\frac{\text{NOK 95 800 x 3.76 x 40 x 42}}{\text{40 x 100}} \times \frac{\text{55}}{\text{100}}$ = NOK 83 208

Special supplement[11] = NOK 12 592

Amount of benefit granted a year = NOK 191 600

(E) Family benefit payable under employment
Child benefit for two children = NOK 23 280

(F) Family benefit payable during contingency

Child benefit – single parent with two children = NOK 34 920

Children's pension

NOK 95 800 x 65 x 40
100 x 40 = NOK 62 270

Total family benefit during contingency = NOK 97 190

(G) Sum of benefits payable under contingency (D+F) as a percentage of the sum of standard wages and family benefit payable under employment (C+E):

(D+F) / (C+E) = 191 600 + 97 1904 / 455 880 + 23 280 =

288 790/479 160 = 0.6027): 60.3 per cent

Resolution CM/ResCSS(2018)13 on the application of the European Code of Social Security and its Protocol by Norway (Period from 1 July 2016 to 30 June 2017)
concerning Part VI (Employment injury benefit), as amended by the Protocol, Article 36(2) and (3), Degree of incapacity.

Norway's response:

Employers are required by law to ensure that all employees in the private sector are insured under the Occupational Injury Insurance Scheme, which is operated by private insurance companies.

The insurance shall cover injuries and diseases which occur during work, at the workplace, during working hours, caused by accident or exposure to harmful substances or work processes.

According to the Regulation on standardized compensation of 21 December 1990, the compensation is given as a lump sum.

- **Compensation for loss of future income**

The basic compensation is determined as follows:

Income basis	**Basic compensation**
Up to 7 B.a.	22 B.a.
7 to 8 B.a.	24 B.a.
8 to 9 B.a.	26 B.a.
9 to 10 B.a.	28 B.a.
More than 10 B.a.	30 B.a.

In cases of 100 per cent disability, the compensation is calculated as follows:

Age	Compensation
45 or 46	The Basic compensation
47 or older	The Basic compensation, minus 5 per cent per year older than 46. However, the minimum compensation is 10 per cent.
35 to 44	The Basic compensation, plus 3.5 per cent per year younger than 45
34 or younger	The Basic compensation, plus 35 per cent, plus 2.5 per cent per year younger than 35

In cases of less than 100 per cent disability, the compensation is reduced proportionally.

For example, if a worker aged 45, with an income of up to 7 B.a. (NOK 868 196) becomes 25 per cent disabled, he/she will be eligible to a basic compensation of (22 x B.a. (NOK 124 028) = NOK 2 728 616) x 0.25 = NOK 682 154 as a lump sum, paid by the Occupational Injury Insurance Scheme.

- **Compensation for non-economic loss (reduced quality of life)**

The basic compensation is determined as follows:

Medical invalidity	Basic compensation
15–24 per cent	0.75 B.a.
25–34 per cent	1 B.a.
35–44 per cent	1.5 B.a.
45–54 per cent	2 B.a.
55–64 per cent	2.5 B.a.
65–74 per cent	3 B.a.
75–84 per cent	3.75 B.a.
85–100 per cent	4.5 B.a.
Injury considerably greater than an injury which would result in a disability degree of 100 per cent	5.5 B.a.

The compensation is calculated as follows:

Age	Compensation
45 or 46	The Basic compensation
47 or older	The Basic compensation, minus 2 per cent per year older than 46. However, the minimum compensation is 50 per cent.
44 or younger	The Basic compensation, plus 2 per cent per year younger than 45

2022 CEACR's conclusions – Pending

"Part VI (Employment injury benefit), Article 36(2) and (3) of the Code. Lump-sum benefit for

incapacity of less than 30 per cent. In its previous comments, the Committee noted that the National Insurance Act set a threshold of 30 per cent loss of earning capacity for entitlement to a disability pension in case of employment injury and that, where the degree of incapacity is lower, it neither provides for a periodical payment nor for the commutation of such a payment to a lump sum. The Committee noted that the Government considers a degree of incapacity of 30 per cent as being "slight" within the meaning of Article 36(3) of the Code. It also noted the information provided by Government that lump-sum compensation payments are made by the mandatory Occupational Injury Insurance Scheme (Yrkesskadeforsikringloven) for loss of future income and for non-economic losses (reduced quality of life) also in the event that the degree of disablement is below 30 per cent. The Committee observed, however, that these compensation payments, granted by private insurance companies, were separate additional payments made in proportion to the degree of disability which could not be regarded as a substitute for the non-payment of partial disability pensions by the National Insurance Scheme in case of disability below 30 per cent.

In its response, the Government underlines that the Norwegian Occupational Injury Scheme consists of two parts: the National Insurance Scheme and a separate law that imposes an obligation on all employers to insure their employees against occupational injuries (the mandatory Occupational Injury Insurance Scheme). It considers that it is the sum of these two schemes that constitutes the Norwegian Occupational Injury Scheme, and that they must be seen together. The Government states that the fact that payments are made out of the mandatory Occupational Injury Insurance Scheme and not out of the National Insurance Scheme is not important, as long as the injured party receives the compensation he or she is entitled to. The Government emphasizes that it is in any case the employer who pays the costs of the compensation payment, both from the National Insurance Scheme and the mandatory Occupational Injury Insurance Scheme. Therefore, it concludes that even if the National Insurance Scheme does not provide a disability benefit for occupational injuries where the degree of disability is lower than 30 per cent, the financial loss of an employee in case of employment injury will be compensated by the mandatory Occupational Injury Insurance Scheme.

The Government also points out that improving the Norwegian Occupational Injury Scheme is part of its political platform. It considers the question of whether the National Insurance Scheme should provide disability benefit in the event of occupational injuries when the degree of disability is lower than 30 per cent to be a natural part of this work, and this would include considering the question of whether a disability benefit granted at low degrees of disability should be commuted into a lump-sum.

The Committee recalls in this respect that Article 36 of the Code pursues the primary aim to ensure a permanent compensation, i.e. a periodical benefit in case of permanent loss of earning capacity caused by an employment injury. As an exception, Article 36(3) of the Code allows for the conversion of a periodical benefit otherwise due into a lump-sum payment where the degree of incapacity is only slight, but in such an event the lump-sum payment should bear an 'equitable relationship' to the periodical payment otherwise due. Based on the information provided by the Government, the Committee cannot conclude that this requirement of the Code is being met as this is not the case in Norway where the National Insurance Scheme provides for no cash payment at all in case of a slight disability below 30 per cent, and where the compensation provided by the mandatory Occupational Injury Insurance Scheme for loss of future income and for non-economic losses (reduced quality of

life) constitutes a different additional payment, which is not made in lieu of a periodical payment otherwise due by the National Insurance Scheme, as in fact it bears no relationship to such a payment.

In light of the above, the Committee therefore firmly hopes that in the course of the intended reform, the Government will take the necessary measures to give full effect to Article 36(2) and (3) of the Code by reducing the minimum threshold for the payment of occupational injury disability pensions under the National Insurance Scheme below 30 per cent of disability (subject to the possibility of commuting such benefits into a lump sum)."

Norway's response:

We would like to point out that improving the Norwegian Occupational Injury Scheme is part of the Government's political platform. We consider the question of whether the National Insurance Scheme should provide disability benefit in the event of occupational injuries when the degree of disability is lower than 30 per cent, to be a natural part of this work, and this would include considering the question of whether a disability benefit granted at low degrees of disability should be commuted into a lump-sum.

However, based on the wording in Article 36 (2), a payment in the case of partial loss of earning capacity should be a periodical payment "where payable". The Code does not give guidelines with regards to the conditions to be met in national law to qualify for disability benefit, e.g. what constitutes as a loss of earning capacity. One reason for the requirement in the National Insurance Act (NIA) with regards to the degree of reduced earning capacity, is that it otherwise would be difficult to distinguish a reduced earning capacity due to a disability from other conditions, such as old age and non-medical conditions.

With respect to the composition of the disability benefit for the purpose of the Code, according to Chapter 12 of the NIA, the disability benefit will always be a periodical payment. The benefit is calculated in such a manner as to comply with the requirements of Article 65 (cf. Part XII of this report). Since the benefit cannot be computed as a lump sum, Article 36 (3) is not applicable for disability benefit with a legal basis in Chapter 12 of the NIA.

With regards to our obligations under the Code, it can not be decisive how the different Norwegian schemes are organised in national law, given that the relevant scheme is mandatory for all employees (cf. below). Also taking into consideration that coverage under the NIA can be either residence based or based on employment, where the regulation may not always be comparable with welfare systems where coverage is based solely on employment.

2023 CEACR's conclusions

"Part VI (Employment injury benefit), Article 36(2) and (3), in conjunction with Articles 32(c) and 71(1) of the Code. Lump-sum benefit for incapacity of less than 30 per cent. In its previous comments, the Committee noted that the National Insurance Scheme sets a degree of 30 per cent loss of earning capacity for entitlement to a disability pension due to employment injury (Chapter 12 of the National Insurance Act). Where the degree of incapacity is lower than 30 per cent, the National Insurance Scheme neither provides for a periodical payment nor for the commutation of such a payment to a lump sum, which is allowed by *Article 36(3)* of Code where the degree of incapacity is slight. The Committee further noted that the mandatory Occupational Injury Insurance Scheme *(Yrkesskadeforsikringen)*, which is administered by private insurance companies, provides for lump-sum compensation payments for loss of future income and non-economic losses (reduced quality of life), due to employment injury, including in case the degree of incapacity is below 30 per cent. In this respect, the Committee observed that such lump-sum compensation payments are separate additional payments which cannot be regarded as a substitute for the non-payment of partial disability pensions by the National Insurance Scheme in case of incapacity below 30 per cent degree. The Committee observes the Government's indication in its report that, disability pensions in case of loss of earning capacity above 30 per cent are always periodical payments under Chapter 12 of the National Insurance Act. The Government therefore considers that *Article 36(3)* of the Code allowing the commutation of periodical payments to a lump sum is not applicable to the National Insurance Scheme. According to the Government, the reason for the establishment of the minimum degree of 30 per cent for reduced earning capacity is that it would be otherwise difficult to distinguish reduced earning capacity due to disability from other conditions, such as old-age or non-medical conditions. The Government points out in this respect that the Code does not provide for guidelines as regards the determination of a loss of earning capacity and related qualifying conditions for disability benefits. In addition, the Government indicates that the Occupational Injury Scheme is mandatory for all employees, and it cannot be decisive how the different Norwegian schemes are organised in the national law to meet the obligations under the Code. 30 The Committee recalls that *Article 36* of the Code pursues the primary aim to ensure a permanent compensation, that is, a periodical benefit in case of permanent partial loss of earning capacity caused by an employment injury. The Committee further recalls that *Article 32(c)* of the Code covers a partial loss of earning capacity in excess of a prescribed degree. This "prescribed degree", under which no benefits at all are provided, can only be minimal and should be necessarily lower than the "slight" degree of incapacity referred to in *Article 36(3)* of the Code. In this respect, the "slight" degree of incapacity may not be substantial, but should at least be compensated by a lump-sum payment which shall represent a suitable proportion of the periodical payment otherwise due. The Committee recalls that the National Insurance Scheme provides for neither periodical cash payments nor lump-sum payments in case of loss of earning capacity less than 30 percent which can be considered as a slight degree of incapacity under *Article 36(3)* of the Code. The Committee further recalls that the lump-sum compensation payments provided by the Occupational Injury Insurance Scheme constitute a different additional payment, which is not made *in lieu of* a periodical payment otherwise due by the National Insurance Scheme, as in fact it bears no relationship to such a payment. The Committee also observes that the Occupational Injury Insurance Scheme is administered by private insurance companies and the Occupational Injury Insurance Act of 1990 regulating this Scheme does not provide for participation of the representatives of the persons protected in its management or their association therewith in a consultative capacity, which is required under *Article 71(1)* of the

Code. ***In light of the above, the Committee once again urges the Government to take the necessary measures to give full effect to Article 36(2) and (3) of the Code by reducing the minimum degree for the payment of disability pensions due to occupational injury below 30 per cent under the National Insurance Scheme, subject to the possibility of commuting such pensions to a lump sum."***

Norway's response:

Norway is of the opinion that our legislations in the field of occupational injury does not violate the basic purpose of the Code: to ensure that injured persons receive the best possible financial help and support in general after an occupational injury.

We refer to the joint statement by Denmark and Norway in The Governmental Committee meeting on 14 May 2024.

With regards to the Norwegian social security system, we would like to highlight the following elements:

Financial supports that an injured person can obtain if the person is unable to work after an occupational injury such as sickness benefit, work assessment allowance and unemployment benefit are also part of the broader systems.

The Employment Injury Compensation system is nowadays part of a much more advanced social security system. The key question should thus be whether the different schemes and compensations ensure the injured party against economic loss, in compliance with the purpose of the Code.

The general benefits in the National Insurance Act (NIA), the special conditions in the different chapters and in chapter 13 of the NIA and compensation from the employer's insurance company are intended together to ensure the injured party full compensation for the financial loss caused by occupational injuries and occupational diseases. Full compensation means 100 per cent coverage, which is a general principle of compensation law.

In Norway, compensation for loss of earning capacity through chapter 12 of the NIA is thus not the sole financial support that an injured person can obtain if the person is unable to work after an occupational injury.

More information may be found at the Norwegian Labour and Welfare Administration's website:
Injured in connection with work, education or rescue or military service - nav.no

VI – 7. Adjustment of Benefit

Reference is made to Part V-5.

VI - 8. Payment to non-residents

Article 37. C102 and ECSS
The benefit specified in Articles 34 and 36 shall, in a contingency covered, be secured at least to a person protected who was employed on the territory of the Member (Contracting Party) concerned at the time of the accident if the injury is due to accident or at the time of contracting the disease if the injury is due to a disease and, for periodical payments in respect of death of the breadwinner, to the widow and children of such person.

All employees protected under the Norwegian National Insurance Scheme, who were employed in the territory of Norway at the time of the accident, or at the time of contracting the disease, are entitled to the benefits stipulated in Articles 34 and 36 of C102 and ECSS.

Furthermore, the widow and children of an employee who was employed in the territory of Norway at the time of the accident, or at the time of contracting the disease, are entitled to the periodical payments stipulated in Article 36 of C102 and ECSS without any conditions as to residence.

VI – 9. Qualifying period

No qualifying period is allowed under Part VI of C102/ECSS.

No qualifying periods apply in the case of occupational injury.

The former requirement of having been insured for at least three years immediately prior to claiming benefits for improving the ability to work and the ability to function in everyday life, cf. Chapter 10 of the Norwegian National Insurance Act, has been repealed with effect from 1 January 2018.

VI-10. Duration of Benefit

Article 38. C102 and ECSS
The benefit specified in Articles 34 and 36 shall be granted throughout the contingency, except that, in respect of incapacity for work, the benefit need not be paid for the first three days in each case of suspension of earnings.

As is stated above, a person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to the full range of the ordinary benefits of the National Insurance Scheme. [However, in the case of occupational injury, the ordinary provisions concerning these benefits are not applied. Instead, special provisions apply, which are generally more favourable than the ordinary provisions.)

Reference is therefore made to Section 10 of Part II of this report as regards Medical Care, to Section 10 of Part III as regards Sickness Benefit, to Section 10 of Part IX as regards Invalidity Benefit and to Section 10 of Part X as regards Survivors' Benefit.

The benefits stipulated in Articles 34 and 36 of C102 and ECSS are granted throughout the contingency.

There is no waiting period in case of incapacity for work.

VI - 11. Suspension of Benefit

Reference is made to information provided under Part XIII-1

As is stated above, a person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to the full range of the ordinary benefits of the National Insurance Scheme. (However, in the case of occupational injury, the ordinary provisions concerning these benefits are not applied. Instead, special provisions apply, which are generally more favourable than the ordinary provisions.) Reference is therefore made to information provided under relevant Parts of this report concerning the suspension of the benefits.

VI – 12. Right of complaint and appeal

Reference is made to information provided under Part XIII-2

VI - 13. Financing and Administration

Reference is made to information provided under Part XIII-3

Part VII. Family Benefit

Norway has accepted the obligations resulting from Part VII of C102 and Part VII of the ECSS, as amended by its Protocol.

List of applicable legislation

- The Child Benefits Act (barnetrygdloven) of 8 March 2002

VII - 1. Regulatory framework

Article 39. C102 and ECSS
Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of family benefit in accordance with the following Articles of this Part.

Child benefits are provided according to the Child Benefits Act (barnetrygdloven) of 8 March 2002.

VII - 2. Contingency covered

Article 40. C102 and ECSS
The contingency covered shall be responsibility for the maintenance of children as prescribed.

§1(e) Article 1. C102, §h Article 1. ECSS
the term "child" means a child under school leaving age or under 15 years of age, as may be prescribed.

Child benefits are granted to parents, resident in Norway, who have a child under the age of 18 living with them permanently.

VII - 3. Persons protected

Article 41. C 102 and Protocol to the ECSS
The persons protected shall comprise, [as regards the periodical payments specified in Article 42 - ECSS]:
(a) prescribed classes of employees, constituting not less than 50 per cent [80 per cent – Protocol to the ECSS] *of all employees; or*
(b) prescribed classes of the economically active population, constituting not less than 20 per cent [30 per cent – Protocol to the ECSS] *of all residents.*
[(c) all residents whose means during the contingency do not exceed prescribed limits – C102].

According to Section 2 paragraph 1 of the Child Benefits Act, parents who have a child under the age of eighteen years living with them permanently are entitled to child benefits if the child is resident in Norway in accordance with the provisions of Section 4 of that Act.

In December 2023, 670 312 persons received child benefit, for a total of 1 107 358 children.

VII - 4. Types of Benefit

Article 42. C102 and ECSS
The benefit shall be:
(a) a periodical payment granted to any person protected having completed the prescribed qualifying period; or
(b) the provision to or in respect of children of food, clothing, housing, holidays or domestic help; or
(c) a combination of (a) and (b).

As of January 2024 the monthly amount of child benefit is NOK 1 766 per child aged 0–5 (NOK 21 192 per child per year) and NOK 1 510 per child aged 6–17 (NOK 18 120 per child per year). The child benefit is a flat amount, unrelated to the parents' income, and it is not means tested.

Single parents may claim a supplement (so-called extended child benefit) of NOK 2 516 per month (NOK 30 192 per year). Cohabitants who have children together or have been living together for at least 12 of the last 18 months, are not considered to be single parents, and are therefore not entitled to the extended child benefit.

Single parents with children under the age of three, who are entitled to an extended child benefit and a full transitional benefit according to the National Insurance Act, are entitled to an additional supplement for small children. This supplement is granted per provider, regardless of how many children under the age of three he/she has. As of January 2024, the annual supplement for small children is NOK 696 per month (NOK 8 352 per year).

VII - 5. Qualifying period

§1(f) Article 1 C102, §1(i) Article 1 ECSS
The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

Article 43. C102, Article 43 ECSS
The benefit specified in Article 42 shall be secured at least to a person protected who, within a prescribed period, has completed a qualifying period which may be three months [one month - ECSS] *of contribution or employment, or one year* [six months of residence - ECSS], *as may be prescribed.*

In 2015, the Committee had questions concerning Article 16 of the European Social Charter – Right of the family to social, legal and economic protection. The questions concerned immigrants' entitlement to family benefits. In the following paragraphs, we therefore provide some information concerning this:

According to the Child Benefits Act, child benefits are granted to a parent/parents of a child who legally reside in Norway. According to Section 4 in the Child Benefits Act, a child is considered resident in Norway for instance when:

a) the child is born in the realm and the mother has been staying, or is going to be staying, in the realm for more than 12 months, or

b) the child shall stay in the realm for more than 12 months.

It is therefore not required that the child "has resided/has been domiciled for more than 12 months" in Norway, as stated in "Conclusions 2015". It is sufficient that the child "is going to be staying in the realm for more than 12 months". A family who moves to Norway will therefore be entitled to child benefit with effect from the first month after the family arrived in Norway, regardless of nationality, if they can document that they are planning to live in Norway for at least 12 months and have a residence permit or have legal residence on other grounds. According to paragraph 4 of Section 4 of the Child Benefit Act, refugees are entitled to child benefits from the month they are granted asylum or legal residence in Norway.

VII - 6. Level and Calculation of Benefit

Article 44. C102 and Protocol to the ECSS
The total value of the benefits granted in accordance with Article 42 to the persons protected shall be such as to represent:
[(a) 3 per cent. of the wage of an ordinary adult male labourer, as determined in accordance with the rules laid down in Article 66, multiplied by the total number of children of persons protected; - *C102] or*
(b) 2 per cent. of the said wage, multiplied by the total number of children of all residents.

A. Reference is made to Title I under Article 65:

Title I

A. Recourse is had to Article 65

1. N/A

2. The pay is based on payment for normal working hours, 7.5 hours a day, 5 days a week, 260 days per year. It does not include pay for overtime, but covers basic salaries, variable additional allowances and bonuses. We confirm that the same time basis is used for calculating the benefit and the family allowances.

B.

Recourse is had to Article 65 of the Code, Article 65 of C102 and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2023, the average annual pay for male full-time employees in this category was NOK 540 720.

1. and 2. N/A

B. 1. Child benefits are granted to all children residing in Norway, not only to the groups mentioned in Article 41 (a).

In 2023, the total amount of cash benefits granted in respect of children of the persons protected, was NOK 20 230 000 000.[12] The benefits that have been included in the calculation of the total amount are child benefit for children under the age of 18, included additional benefits for single parents (extra child benefits and additional supplement for children under the age of three).

2. We regret that we are unable to provide the total value of benefits in kind granted in respect of children of the persons protected.

3. However, as mentioned above, in 2023 the total value of cash benefits granted in respect of children of the persons protected was NOK 20 230 000 000.

C. According to Statistics Norway, as of 2023, there were 1 112 191 persons 0–17 years old living in Norway.[13]

$$\frac{(\text{wage} \times \text{number of children}) \times \text{percentage}}{100} = \text{Total value of benefits}$$

$$\text{Percentage} = \frac{\text{Total value of benefits} \times 100}{\text{wage} \times \text{number of children}}$$

$$= \frac{20\,230\,000\,000 \times 100}{540\,720 \times 1\,112\,191} = 3.7$$

The total value of benefits in cash (NOK 20 230 000 000), is 3.7 per cent of the wage of the ordinary adult male labourer (NOK 540 720) multiplied by the total number of children of all residents (1 112 191). Means tested benefits in kind, such as cost free child care in kindergartens and after-school recreational programmes, are not included. As stated above, child benefit applies to all families, irrespective of whether the parents are occupationally active. The child benefits are, as shown above, as of 2023 granted at a flat rate of NOK 1 766 for each child aged 0-5 per month and NOK 1 510 for each child aged 6-17 per month. However, single parents are entitled to a supplement (extended child benefit) of NOK 2 516 per month per single parent. A single parent with one child will therefore be entitled to NOK 4 026 per month. For more about the rates as of January 2024, please see paragraph VII - 4. Types of Benefit.

Single parents with children under the age of three, who are entitled to an extra child

[12] https://www.nav.no/no/nav-og-samfunn/statistikk/flere-statistikkomrader/utbetalinger-til-personer-i-norge-per-fylke-og-kommune

[13] https://www.ssb.no/statbank/table/10987/?rxid=0f15819a-763d-4c1a-bf09-88e1fb52cceb

benefit and to a full transitional benefit from the National Insurance Scheme, are entitled to an additional supplement for small children. This supplement is granted per provider, regardless of how many children under the age of three he/she has. In 2024, the annual supplement for small children is NOK 696 per month (NOK 8 352per year). A single parent with one child under the age of three, who are entitled to both the extra child benefit and the supplement for small children, is therefore entitled to NOK 4 722 per month.

The benefits included in the calculation of the total amounts are child benefit for children under the age of 18, included additional benefits for single parents (extended child benefit and additional supplement for children under the age of three), see Part VII-4 of this report, concerning "Types of benefits".

We regret that we are unable to provide the total value of benefits in kind granted in respect of children of the persons protected. However, the major benefit in kind to families with children, is cost free and discounted child care – i.e. kindergarten and after-school recreational programmes, and we would like to provide some information in this regard.

All 2–5 year-olds living in low-income households are entitled to free core time in kindergarten. This means that they are entitled to 20 hours of cost free day-care per week. A national scheme for reducing parental payments for children in low-income families has also been introduced, entailing that no family should pay more than 6 per cent of their income for kindergarten child care. An analysis from 2020 showed that municipalities reported to have spent a total of NOK 813 million[14] on cost free and discounted kindergarten child care in 2019.

In addition, families with more than one child in kindergarten (disregarding the family's income) are entitled to reduced parental payment (siblings discount). For the second child, a minimum reduction of 30 per cent is granted. For the third child or more, a reduction of 50 per cent is granted. Unfortunately, we do not have figures on how much the municipalities spend on this discount scheme.

Neither do we have figures on how much the municipalities spend on the discount scheme for after-school recreational programmes.

VII – 7. Duration of Benefit

Article 45. C102 and ECSS
Where the benefit consists of a periodical payment, it shall be granted throughout the contingency.

The child benefit is granted throughout the contingency.

[14] Source: Directorate of Education

Parents who have a child under the age of eighteen living with them permanently are entitled to child benefit if the child is resident in Norway in accordance with the provisions of Section 4 of the Child Benefits Act.

VII - 8. Suspension of Benefit

Reference is made to information provided under Part XIII-1

According to Section 4 paragraph 3 of the Child Benefits Act, a family is entitled to child benefit if they stay temporarily abroad, as long as the stay does not exceed three months.

VII – 9. Right of complaint and appeal

Reference is made to information provided under Part XIII-2

VII - 10. Financing and Administration

Reference is made to information provided under Part XIII-3

In Norway, child benefits are financed over the State Budget.

Taxation of Social Security Benefits
Child benefits are not taxable income.

Part VIII. Maternity benefit

Norway has ratified C183.

List of applicable legislation

- Act of 28 February 1997 no. 19 relating to national insurance (National Insurance Act)
- Act of 17 June 2005 no. 104 relating to working environment, working hours and employment protection etc. (Working Environment Act)Regulations of 6 December 2011 no. 1357 concerning the performance of work, use of work equipment and appurtenant technical requirements (Regulations concerning the performance of work)

VIII - 1. Regulatory framework

Article 46. C102 and ECSS
Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of maternity benefit in accordance with the following Articles of this Part.

Since 1978, both parents are entitled to a benefit when giving birth and looking after their new-born. Therefore, the correct term for this benefit is no longer maternity benefit, but parental benefit.

Pregnancy benefits
An employee who, according to law, has to refrain from working for a certain period prior to confinement, due to hazardous working conditions/environment, is entitled to pregnancy benefits. This applies from the time she stops working and until three weeks prior to birth. Self-employed persons may also be entitled to pregnancy benefits.

Parental benefits
Insured parents who have been in paid employmentor have received certain unemplyment or sickness benefits for six out of ten months preceding the beginning of the period of paid leave, are entitled to parental benefits in the case of birth, or adoption of a child below the age of 15.

Parental benefits are not payable in the case of adoption of stepchildren. However, the adoptive parent has the same entitlement as fathers in cases where the adoption takes place during the parental benefit period following the birth of the child. This entitlement applies from the time of adoption and for the remaining part of the benefit period.

Lump sum grant on birth or adoption
Women who do not qualify for parental benefit, are entitled to receive a lump sum grant. For children born or adopted 1 January 2021 or later, the lump sum is NOK 92 648. Fathers who adopt alone or who, under certain circumstances, take over the care for the child, may also be entitled to this grant.

Grants for parents adopting children from abroad
Parents who adopt children from abroad receive a lump sum grant of 1 B.a. (NOK 124 028 from 1 May 2024).

VIII - 2. Contingency covered

Article 47. C102 and ECSS
The contingencies covered shall include pregnancy and confinement and their consequences, and suspension of earnings, as defined by national laws or regulations resulting therefrom.

§1. Article 6. C183
Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.

Paragraph 1 - Maternity leave
Right to maternity benefits
According to Section 14 of the National Insurance Act of 1997, with later amendments, the parental benefit period in case of birth is 49 weeks with 100 per cent compensation (full rate), or 61,2 weeks with 80 per cent compensation (reduced rate). In case of adoption, the benefit period is 46 or 56 weeks.

If the parents choose parental benefits with full rate, the parental benefit period is as follows: fifteen weeks of the parental benefit period are reserved for the mother and fifteen weeks are reserved for the father (mother's and father's quota). The remaining sixteen weeks may be allocated between them.

If the parents choose parental benefits with reduced rate, nineteen weeks are reserved for each of the parents and the remaining twenty weeks and one day may be allocated between them.

Six weeks of the mother's quota has to be take out after birth. In addition, in case of birth, three weeks are reserved for the mother and must be used prior to birth.

In order to be entitled to parental benefits, the person must have been employed for at least six of the last ten months before the benefit period starts. Receipt of some benefits, such as sickness and unemployment benefits, are considered to be equivalent to employment for the purpose of eligibility to parental benefits. Parental benefit are granted to all employees, in the public as well as in the private sector, self-employed persons and freelancers, who fulfil the qualification requirements.

VIII - 3. Persons protected

Article 48. C102 and ECSS
The persons protected shall comprise:
(a) all women in prescribed classes of employees, which classes constitute not less than 50 per cent of all employees, and, for maternity medical benefit, also the wives of men in these classes; or
(b) all women in prescribed classes of the economically active population, which classes constitute not less than 20 per cent of all residents, and, for maternity medical benefit, also the wives of men in these classes.

According to Statistics Norway, 51 980 children were born in Norway in 2023[15].

According to the Norwegian Labour and Welfare Service 75 493 women and 60 739 men received parental benefits in 2023. In addition, 8 440 persons received the lump-sum grant – providing financial support after child birth to persons who do not fulfil the conditions regarding previous employment.[16]

Article 2. C183
1. This Convention applies to all employed women, including those in atypical forms of dependent work.
2. However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature.
3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, list the categories of workers thus excluded and the reasons for their exclusion. In its subsequent reports, the Member shall describe the measures taken with a view to progressively extending the provisions of the Convention to these categories.

§5. Article 6. C183
Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

The Norwegian regulations encompass all women who are gainfully employed, including those employed in atypical forms of paid work. The scheme includes freelancers and self-employed women, as well as women who are under military service or mandatory civil defence service.

VIII - 4. Health protection

Article 3. C183
Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.

The Regulations concerning performance of work[17] were adopted pursuant to the Working Environment Act and have a separate Chapter 7 that deals with work involving risk of reproductive harm. From these regulations, it follows that employers must identify working environment factors that involve reproductive harm and provide information on these, including protections against them. If exposures that represent reproductive harm cannot be avoided, the employer must implement the necessary measures, including use of personal protective equipment.

Pregnant and breastfeeding women must under no circumstances be engaged in work which the risk assessment shows may entail risk of reproductive harm. Pregnant and

[15] https://www.ssb.no/en/befolkning/statistikker/fodte

[16] https://www.nav.no/no/nav-og-samfunn/statistikk/familie-statistikk/foreldrepenger-engangsstonad-og-svangerskapspenger

[17] Regulations of 6 December 2011 no. 1357 concerning the performance of work, use of work equipment and appurtenant technical requirements (Regulations concerning the performance of work).

breastfeeding women shall be reassigned to other work if exposures in the working environment may pose a risk of reproductive harm. Should such reassignment be impossible, the employer must document this in writing.

Pursuant to Section 14-4 of the National Insurance Act, an employee is entitled to pregnancy allowance if she is ordered to leave her work in accordance with provisions defined in regulations or statutes because of pregnancy, and a reassignment to other work in the same enterprise is impossible.

The Norwegian Labour Inspection Authority has developed a form with a guide intended as a basis for the employer's assessment of whether factors in the working environment entail a risk for employees who are pregnant, recently have given birth or are breastfeeding.[18] The guide provides information which is useful for the employer's assessment of the risk of reproductive harm to which the employees may be exposed.

VIII - 5. Maternity leave

Article 4. C183
1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.
2. The length of the period of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.
3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.
4. With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.
5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.

Pursuant to Section 12-2 of the Working Environment Act, pregnant employees are entitled to leave of absence for up to 12 weeks during pregnancy. After the birth, the mother shall have maternity leave for the first six weeks, unless she produces a medical certificate stating that an earlier return to work will be beneficial for her, cf. Section 12-4 of the Working Environment Act. Pursuant to these regulations, parents are entitled to a total period of parental leave of 12 months, cf. Section 12-5 of the Working Environment Act.

Pursuant to Chapter 14 of the National Insurance Act, pregnancy and parental allowances are granted during leave of absence as described in the previous paragraph. The leave periods and allowances described above may be taken through part-time leave, cf. Section 12-6 of the Working Environment Act. Part-time leave must be taken within a three-year time frame.

[18] https://www.arbeidstilsynet.no/tema/graviditet-og-arbeidsmiljo/skjema-for-tilrettelegging-for-gravide/

In addition to parental leave for a total of 12 months, as described above, the father is entitled to two weeks of leave to support the mother in connection with the birth. If the parents do not live together, the right to leave of absence may be exercised by another person who assists the mother cf. Section 12-3 of the Working Environment Act. Each of the parents is also entitled to leave for up to twelve months for each birth in addition to parental leave pursuant to Section 12-5, first paragraph. This is stipulated by Section 12-5, second paragraph. These latter leave options do not entail any entitlement to financial support.[19]

If the child is conceived in accordance to the Norwegian law of biotechnology, co mothers are considered parents in this context.

VIII - 6. Leave in case of illness or complications

Article 5. C183
On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.

Incapacity for work outside of the parental allowance period occurring as a result of illness, complications or risk of complications associated with pregnancy or birth are considered to constitute ordinary sickness absence and releases an entitlement to sickness benefit, see Chapter 8 of the National Insurance Act on sickness benefit.

VIII - 7. Medical Care

Article 49. C102 and ECSS
1. In respect of pregnancy and confinement and their consequences, the maternity medical benefit shall be medical care as specified in paragraphs 2 and 3 of this Article.
2. The medical care shall include at least:
(a) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and
(b) hospitalisation where necessary.
3. The medical care specified in paragraph 2 of this Article shall be afforded with a view to maintaining, restoring or improving the health of the woman protected and her ability to work and to attend to her personal needs.
4. The institutions or Government departments administering the maternity medical benefit shall, by such means as may be deemed appropriate, encourage the women protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

Reference is made to information provided under Part II – Medical Care.

§7. Article 6. C183

[19] The website of the Labour- and welfare administration provides user friendly information regarding parental benefits, both in Norwegian and English: https://familie.nav.no/om-foreldrepenger

Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

VIII - 8. Level and Calculation of Benefit

Article 50. C102 and ECSS
In respect of suspension of earnings resulting from pregnancy and from confinement and their consequences, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66. The amount of the periodical payment may vary in the course of the contingency, subject to the average rate thereof complying with these requirements.

The parental benefit period is 49 weeks with 100 per cent compensation or 61,2 weeks with 80 per cent compensation in case of birth. In the case of adoption, the benefit period is 46 or 58,2 weeks respectively. The parental benefits are calculated in the same way as cash benefits in the case of sickness.

§2-4, 6. Article 6. C183
2. Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.
3. Where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.
4. Where, under national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.
6. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

Entitlements in cases of pregnancy, birth and adoption are described in Chapter 14 of the National Insurance Act.

The replacement rate is 100 per cent or 80 per cent for income up to 6 B.a.

Recourse is had to Article 65 of the Code, Article 65 of C102 and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2023, the average annual pay for male full-time employees in this category was NOK 540 720. In light of the fact that the average B.a. was NOK 124 028 in 2024, this annual pay is equal to 4.4 B.a.

The benefit does not compensate for the part of the income (if any) which exceeds the ceiling of 6 B.a. (as per 1 May 2024: NOK 744 168). However, large groups of employees are entitled to have this part of the income compensated by their employers, based on collective agreements.

Pregnancy allowance is granted from the time when the employee must cease to work and until three weeks before the birth, cf. Section 14-4 of the National Insurance Act. Thereafter, parental benefits are granted, cf. Section 14-5 of the National Insurance Act.

Pregnancy and parental benefits are granted also to self-employed persons.

Pregnancy and parental allowances are calculated on the basis of income according to the same rules as for sickness benefit, cf. Chapter 8 of the National Insurance Act.

Pregnancy and parental allowances to employees are paid as 100 per cent of income. No pregnancy or parental allowance is granted for the portion of income that exceeds six times the basic amount in the national insurance system.[20]

The entitlement to parental allowance is accumulated through gainful employment for six of the ten last months prior to the start of the payment of the parental allowance. Periods of sickness benefit, allowance paid for care of sick children, parental allowance, pregnancy allowance, work assessment allowance or unemployment benefit are considered equal to gainful employment during periods of unemployment.

Women who have not accumulated any entitlement to parental allowance receive a lump-sum grant.[21] The size of the lump-sum grant is determined by the Parliament. The lump-sum grant is not taxable. In case of multiple births or simultaneous adoption of more than one child, a grant is provided for each child.

VIII - 9. Qualifying period

§1(f) Article 1 C102, §1(i) Article 1 ECSS
The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

Article 51. C102 and ECSS
The benefit specified in Articles 49 and 50 shall, in a contingency covered, be secured at least to a woman in the classes protected who has completed such qualifying period as may be considered necessary to preclude abuse, and the benefit specified in Article 49 shall also be secured to the wife of a man in the classes protected where the latter has completed such qualifying period.

Insured parents who have been in paid employment etc. for six out of ten months preceding the period of paid leave, are entitled to parental benefits in the case of birth, or adoption of a child below the age of 15.

VIII - 10. Minimum duration of Benefit

Article 52. C102 and ECSS
The benefit specified in Articles 49 and 50 shall be granted throughout the contingency, except that the periodical payment may be limited to 12 weeks, unless a longer period of abstention from work is required or authorised by national laws or regulations, in which event it may not be limited to a period less than such longer period.

[20] As of 1 January 2019: NOK 83 140
[21] As of 1 January 2019: NOK 83 140

The parental leave period is 49 weeks with 100 per cent compensation or 61,2 weeks with 80 per cent compensation in case of birth. In case of adoption, the benefit period is 46 or 59,2 weeks, depending on whether the parents want 100 or 80 per cent compensation.

If both parents are entitled to parental benefits, fifteen weeks of the benefit period are reserved for the father (the father's quota) and fifteen weeks are reserved for the mother (the mother's quota, which includes the six weeks immediately after birth).

In addition to the mother's quota, in case of birth, the mother is entitled to three weeks prior to birth.

The remaining part of the benefit period may be shared between the parents. However, the father can only make use of the shared parental benefit period if the mother returns to work, takes a publicly approved full-time education, combines work and approved education to give a full time total, is unable to take care of the child because of injury or illness, is admitted to a health institution or takes part in either an introductory programme or a qualification programme on full time. If the mother receives a disability benefit, the father may receive parental benefits for a period equivalent to the father's quota, even if the mother does not go out to work or to take a full-time education etc.

In case of multiple births or adoptions, parents are entitled to parental benefits for seventeen additional weeks for each child more than one if they have chosen 100 per cent compensation, and 21,1 additional weeks they have chosen 80 per cent compensation. Parents who get three or more children are entitled to (46/57,6) additional weeks of parental benefit, so that both parents for example may stay at home with the children during the first year.

Parental benefits may be combined with reduced working hours. A written agreement with the employer concerning the extent and duration of the part-time work is required.

The parental benefit is reduced correspondingly, but the benefit period is extended. Both the mother and the father can make use of this possibility. Only the three weeks prior to and the six weeks after the delivery, which are reserved for the mother, are excluded.

The parental benefit period may be postponed if the parent works full-time. A written agreement with the employer must be presented to the Labour and Welfare Service before the start of the postponement. For parents with children born after 1 October 2021, postponing the parental benefit period is no longer conditioned on working full-time and there are no application needed.

The parental benefit must be used within three years of the birth or adoption.

VIII - 11. Employment protection and non-discrimination

Article 8. C183

1. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed

by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.
2. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Section 15-9 of the Working Environment Act addresses employment protection in case of pregnancy, as well as after births and adoptions. Pursuant to this provision, an employee who is pregnant cannot be laid off on these grounds. Any lay-off taking place during this period shall be considered to be on the grounds of pregnancy, unless another cause can be shown to be highly probable (so-called negative burden of proof).

Norwegian regulations entail no special protection for a period after the end of the parental leave period, but a dismissal on such grounds would invariably be deemed unfair and thus illegal pursuant to the ordinary regulations on employment protection.

Pursuant to Section 20 of the Gender Equality Act, an employee who has taken parental leave or another type of leave described above under Article 4, has the right to return to the same, alternatively an equivalent, position. An employee who is on leave shall also benefit from the same improvements of the working conditions to which the employee would otherwise have been entitled during the leave period, as well as be able to submit wage claims and be included in collective bargaining on an equal footing with the other employees of the enterprise.

Article 9. C183
1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including - notwithstanding Article 2, paragraph 1 - access to employment.
2. Measures referred to in the preceding paragraph shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:
(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or
(b) where there is a recognized or significant risk to the health of the woman and child.

Pursuant to the Act relating to Equality and Prohibition against Discrimination, all discrimination on grounds of gender, pregnancy, parental or adoption leave, or obligations of a caring nature, is prohibited. The prohibition applies to discrimination on grounds of (among other things) a person's actual, assumed, previous or future pregnancies or leave periods, and also applies to discrimination on grounds of the gender of a person with whom the person discriminated against is associated. The Act relating to Equality and Prohibition against Discrimination applies to all areas of society and to both direct and indirect forms of discrimination.

VIII - 12. Breastfeeding mothers

Article 10. C183
1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

2. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

Pursuant to Section 12-8 of the Working Environment Act, women who breastfeed their children may request time off for as long as needed for this purpose. This time off may, for example, be taken for at least half an hour twice daily or as a reduction of working hours by up to one hour each day.

Women who have time off to breastfeed during the child's first year of life are entitled to up to one paid hour on workdays for which the agreed working hours are seven hours or more. This is specified in Section 12-8, second paragraph, of the Working Environment Act.

VIII - 13. Periodic review

Article 11. C183
Each Member shall examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the period of leave referred to in Article 4 or of increasing the amount or the rate of the cash benefits referred to in Article 6.

Such periodic reviews are undertaken.

VIII - 14. Suspension of Benefit

Reference is made to information provided under Part XIII-1.

VIII - 15. Right of complaint and appeal

Reference is made to information provided under Part XIII-2.

VIII - 16. Financing and Administration

§8. Article 6. C183
In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where:
(a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or
(b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.

Reference is made to information provided under Part XIII-3.

Part IX. Invalidity benefit

Norway has accepted the obligations resulting from Part II of C128 and Part IX of the ECSS, as amended by its Protocol.

List of applicable legislation

- National Insurance Act *(folketrygdloven)* of 28 February 1997, with later amendments

IX - 1. Regulatory framework

Article 53. ECSS, Article 7. C128
Each Member (Contracting Party) for which this part of this Convention (Code) is in force shall secure to the persons protected the provision of invalidity benefit in accordance with the following Articles of this Part.

By an act of 16 December 2011 (amending the National Insurance Act of 28 February 1997), in effect from 1 January 2015, the disability pension was replaced by the disability benefit. All disability pensions were recalculated as disability benefits. There are some transitional rules for persons receiving recalculated benefits.

Regarding disability pension prior to 2015, reference is made to previous reports.

An insured person between the ages of 18 and 67, whose income capacity is permanently reduced by at least 50 per cent due to illness, injury or defect, is entitled to disability benefit if he/she has been insured for at least five[22] years before the contingency. If an insured person is receiving Work Assessment Allowance when the claim for disability benefit is made, it is sufficient that the income capacity is permanently reduced by 40 per cent. In cases of occupational injury, it is sufficient that the income capacity is permanently reduced by 30 per cent.

Recourse is had to Article 65 of the Code and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2023, the average annual pay for male full-time employees in this category was NOK 540 720.

Norway would like to specify with regards to the composition of the disability benefit, that with effect from 1 January 2015 there is no special supplement, the benefit is no longer based on the earning of pension points and, with the exception of the minimum annual disability benefit, there is no distinction between a recipient who is married and others.

The disability benefit is calculated on the basis of the average pensionable income of the best three of the previous five years, before the onset of disability. Income exceeding 6

[22] Changed from three years to five years, with effect from 1 January 2021.

B.a. (NOK 744 168 as of 1 May 2024) is not taken into account. The disability benefit rate per year is 66 per cent of the calculation basis.

Irrespective of previous income, persons who qualify for disability benefit are as a general rule ensured at least a basic annual disability benefit. A basic annual disability benefit is granted if this results in a higher amount than the earned benefit. The length of the qualifying period for entitlement to disability benefit is irrespective of previous income.

The amount of the basic benefit depends upon whether the person concerned is single or living with a spouse (or registered partner or cohabitant). The yearly minimum is 2.28 B.a. (NOK 282 784) for persons living with a spouse/cohabitant, but it is 2.33 B.a. (NOK 288 985) if the person subsequent to 31 December 2014 received a recalculated disability pension. For others, the yearly minimum is 2.48 B.a. (NOK 307 589).

The disability benefit is adjusted according to the degree of disability (percentage of loss of ability to earn pensionable income). The disability benefit is further adjusted according to the length of the recipient's period of insurance. The period of insurance consists of both insurance periods prior to the onset of disability and calculated future insurance periods. Future periods of insurance up to and including the year in which the person attains the age of 66 are taken into account. Limitations apply if the person has had periods abroad of some length. The actual period is the period from the age of 16 until the disability occurred, while the future period is calculated from the time the disability occurred up to the year the recipient attains the age of 66.

For a full benefit, 40 years of insurance (previous and future) is required. If the sum of previous and future periods of insurance is less than 40 years, the disability benefit will be proportionally reduced. A person living in Norway from the age of 16 to the disability occurred, will automatically receive the full amount of the disability benefit (irrespective of his/her age at the time when the disability occurred). Limitations apply if the person has had periods abroad of some length.

Invalidity benefits to beneficiaries who were disabled at birth or at a young age (legislative development):

Insured persons born disabled or having become disabled before reaching the age of 26, are entitled to a higher yearly minimum benefit. The yearly minimum is 2.66 B.a. (NOK 329 914) for persons living with spouse/cohabitant, and 2.91 B.a. (NOK 360 921) for others. However, the requirements of sickness and documentation are stricter than the requirements that apply for the general determination of disability.

Supplements for children of disability beneficiaries

A supplement of up to 40 per cent of the Basic amount is on certain conditions granted for each supported child under the age of 18. The child supplement is reduced if the annual income (pension and wages) exceeds certain thresholds. The supplement is reduced by 50 per cent of the exceeding amount. As from 1 May 2024, these limits are:

- For two children living with both parents: NOK 620 140
- For two children living with one of the parents: NOK 434 098

In the period between 1 January 2016 and 30 June 2022, the total amount of disability benefit and children supplement could not exceed 95 per cent of the income prior to the onset of disability. According to an act of 17 December 2021, amending the National Insurance Act with effect from 1 July 2022, there is no longer such a limit.

Basic Benefit and Attendance Benefit

Independent of whether the person receives a disability benefit, the person may qualify for other cash benefits.

A basic benefit is granted if the disability (illness, injury or defect) involves extra expenses above the lowest basic benefit rate. There are six basic benefit rates, which are adjusted by Parliament. Annual rates in 2024 are: NOK 9 024, NOK 13 752, NOK 18 024, NOK 26 544, NOK 35 964 and NOK 44 928.

An attendance benefit may be granted if the disabled person needs special care or nursing. There are four attendance benefit rates, which are adjusted by Parliament. Annual rates in 2024 are: NOK 16 152, NOK 32 304, NOK 64 608 and NOK 96 912. The three highest rates are only granted to persons under the age of 18.

Parents providing special care and nursing for a child, who have received attendance benefit for at least three years, are entitled to attendance benefit for three months after the attention and nursing has come to an end due to the death of the child.

The basic benefit and the attendance benefit are reduced accordingly if granted in addition to a National Insurance benefit which is reduced due to reduced insurance periods. The basic benefit and the attendance benefit are not reduced due to reduced insurance periods in cases where the benefit is granted independently, i.e. not as an addition to a pension.

Child benefits

Reference is made to the information provided under Part VII of this report.

The disability benefit, including the child benefit, shall comprise the invalidity benefit for the purpose of the relevant conventions and shall be taken into account in calculating the replacement rate under the standard scenario.

IX - 2. Contingency covered

Article 54. Protocol to the ECSS

The contingency covered shall include inability to engage in any gainful occupation to an extent prescribed, which inability is likely to be permanent or to persist after the exhaustion of sickness benefit. Provided that the prescribed extent of such inability shall not exceed two-thirds.

Article 8. C128
The contingency covered shall include incapacity to engage in any gainful activity, to an extent prescribed, which incapacity is likely to be permanent or persists after the termination of a prescribed period of temporary or initial incapacity.

Disability benefit

An insured person between the ages of 18 and 67, whose income capacity is permanently reduced by at least 50 per cent due to illness, injury or defect, is entitled to disability benefit if he/she has been insured for at least five years prior to the contingency. If an insured person is receiving Work Assessment Allowance when the claim for disability benefit is made, it is sufficient that the income capacity is permanently reduced by 40 per cent.

IX - 3. Persons protected

Article 55. Protocol to the ECSS
The persons protected shall comprise:
(a) prescribed classes of employees, constituting not less than 80 per cent of all employees; or
(b) prescribed classes of the economically active population, constituting not less than 30 per cent of all residents; or
(c) all residents whose means during the contingency do not exceed limits prescribed in such a way as to comply with the requirements of Article 67.

Article 9. C128
1. The persons protected shall comprise:
(a) all employees, including apprentices; or
(b) prescribed classes of the economically active population, constituting not less than 75 per cent. of the whole economically active population; or
(c) all residents, or residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 28.

Recourse is had to paragraph 1, subparagraph (a) of C128.

However, all persons insured under the Norwegian National Insurance Scheme are mandatorily insured against invalidity, irrespective of whether or not they have been occupationally active.

For the fiscal year 2020 (the most recent year for which statistical data is currently available), the approximate number of persons aged 17 or older who had registered gross earned income ("pensionable income") equal to or exceeding the basic amount, was 2 468 403. The total number of employed persons in 2020 was 3 057 342.

These figures can be used to calculate the percentage: 2 468 403/ 3 057 342 = 81 per cent.

It must, however, be stressed that it would be incorrect to consider the percentage of covered employees to be 81, as all members of the Norwegian National Insurance Scheme

are mandatorily insured against invalidity, irrespective of whether they have been occupationally active.

This was the case under the old Disability Pension scheme, and it is still the case under the current Disability Benefit scheme.

IX - 4. Level and Calculation of Benefit

§1. Article 56. Protocol to the ECSS
1. The benefit shall be a periodical payment calculated as follows:
a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67. Provided that a prescribed benefit shall be guaranteed without a means test to the prescribed classes of persons determined in accordance with sub paragraphs a or b of Article 55, subject to qualifying conditions not more stringent than those specified in paragraph 1 of Article 57.

Article 10. C128
The invalidity benefit shall be a periodical payment calculated as follows:
(a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;
(b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.

Disability benefit

The disability benefit is calculated on the basis of the average pensionable income of the best three of the last five years prior to the onset of disability. (Income exceeding 6 B.a. is not taken into account.) This average income constitutes the calculation basis.

The disability benefit rate per year is 66 per cent of the calculation basis.

The yearly minimum is 2.28 B.a. (or 2.33 B.a., cf. information provided above) for persons living with a spouse/cohabitant, and 2.48 B.a. for others. Insured persons born disabled or having become disabled before reaching the age of 26 due to a severe and clearly documented sickness/injury/default, are entitled to a higher yearly minimum benefit. The yearly minimum is 2.66 B.a. for persons in this category living with a spouse/cohabitant, and 2.91 B.a. for others.

In case of partial disability, the benefit is reduced proportionally.

The disability benefit is taxed as income from work, while the previous disability pension was taxed as pension. The disability benefit rates were increased in order to compensate for the higher tax levels. The disability pensions for persons who were recipients prior to January 2015, were recalculated in such a way that the net effect would be zero for a person whose only income was from disability benefits.

When the benefit is taxed at the same level as income from work, it becomes easier for the recipient to consider his or her options, because it is easier to compare the benefit with income from work.

Child supplement

A recipient of a disability benefit may be entitled to a child supplement if he/she is supporting his/her own children or foster children under the age of 18. The full amount of the child supplement is 0.4 B.a. per child, equal to (NOK 124 028 x 0.4 =) NOK 49 611, as of 1 May 2024.

The child supplement is means-tested. If the income exceeds a certain threshold, the supplement is reduced by 50 per cent of the exceeding amount.

If the child lives with both parents, the income of both parents will be used as a basis to determine the amount of the child supplement. The threshold amount for one child is 4.6 B.a. The threshold amount is increased by 0.4 B.a. for each additional child. If the child lives with only one of the parents, the income of the parent who is eligible for child supplement is used as a basis to determine the amount. The threshold amount for one child is 3.1 B.a. The threshold amount is increased by 0.4 B.a. for each additional child. The income of a spouse or cohabitant who is not the parent of the child, is not taken into account when determining the amount of the supplement.

In this scenario, the standard beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children. As the total income of the standard beneficiary and his wife does not exceed the threshold amount of 5 B.a. (NOK 620 140 as of 2024), the child supplement will not be reduced. The wage of the skilled male worker is NOK 540 720, which is less than the threshold.

The child supplement will be reduced proportionally, if the sum of the beneficiary's previous and future periods of insurance is less than 40 years. Unless the onset of disability occurs when the person is 66 years of age, the supplement will always be calculated with future periods of insurance.

In the following examples, the calculation of the benefits is based on the average B.a. of 2023 (NOK 116 239) in order to fulfil the requirements of paragraph 4 of Article 65 of the Code, concerning calculation "on the same time basis".

Example 1:

The beneficiary was born in January 1962 and has lived in Norway his/her whole life and becomes disabled in January 2024. The actual insurance period is then equal to the maximum period of 40 years. The beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children.

The child supplement will then amount to:

$$\frac{2 \times 0.4 \times 116\,239 \times 40}{40} = \text{NOK } 92\,991$$

Example 2:

The beneficiary was born in January 1988 and has lived in Norway since January 2009 and becomes disabled in January 2024. The actual insurance period is 15 years. The person will be 67 years of age in 2053 and the total insurance period is then equal to the maximum period of 40 years. The beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children.

The child supplement will then be equal to:

$$\frac{2 \times 0.4 \times 116\,239 \times 40}{40} = \text{NOK } 92\,991$$

Resolution CM/ResCSS(2017)13 on the application of the European Code of Social Security and its Protocol by Norway (Period from 1 July 2015 to 30 June 2016)
concerning Part IX (Invalidity benefit) of the Code, Article 56, Calculation of the level of benefit with regard to child supplement.

Norway's response:

Reference is made to the information provided above concerning the child benefit.

1. Recourse is had to Article 26, paragraph 6(a).

A. Reference is made to previous reports as to the calculation of disability pension prior to 2015.

Reference is made to information given under part III – 4 of this report regarding the increase of the B.a. during the period under review.

Recourse is had to the provisions of paragraph 3 of Article 26. The maximum pensionable income for the purposes of the calculation basis is 6 times the B.a.

Recourse is had to Article 26, paragraph 6 (a) for selecting the skilled manual male employee. The standard beneficiary is a fitter or turner in the manufacture of machinery other than electrical machinery.

The data source for the computation of the wages of the standard beneficiary is the official wage statistics from Statistics Norway, all available online. The pay is payment to full-time employees. It does not include pay for overtime, but covers basic salaries, variable additional allowances and bonuses. Basic salary is the salary paid in September, whereas variable additional allowances and bonuses are computed as a monthly average over the period January–September. The annual pay is computed from these official statistics for monthly pay per September by multiplication by 12.

The calculation of the benefits is based on the average B.a. of 2023 (NOK 118 620) in order to fulfil the requirements of paragraph 4 of Article 65 of the Code, concerning calculation "on the same time basis".

B. According to information from Statistics Norway, in 2023 the annual wages of the skilled manual male employee was on average NOK 540 720.

cf. Article 26, Title II

D), E), F) and G):

The standard beneficiary is a male manual employee with a wife and two children. Having lived and worked in Norway from January 2009 until he becomes disabled in January 2024, he has earned 15 years of insurance.

The benefits are calculated on the basis of average pensionable income of the best three of the previous five years before the onset of disability, and actual and future periods of insurance.

Previous earnings equal NOK 540 720 a year.

Reference is made to Article 11, paragraphs 1 and 2.

Unless the onset of disability occurs when a person is 66 years of age, the disability benefit of the Norwegian National Insurance Scheme will always be calculated with future periods of insurance added to the actual insurance period.

If a person is older when arriving in Norway, it should then be presumed that he or she has earned pension/disability rights in the country where he or she resided before coming to Norway. In the event of the standard beneficiary becoming insured under the Norwegian National Insurance Scheme at an advanced age, so that the future period of insurance is limited, there are several bilateral and multilateral social security coordination instruments in place (cf. Part XII of this report), which will ensure entitlement to social security benefits for people who have been working or otherwise have creditable periods in two or more countries. The system, whereby future periods are taken into consideration, ensures that a person becoming disabled and residing in Norway from a young age is eligible for a benefit which equals almost 84 per cent of the standard wage (example 3) after 15 years of residence.

As the years of insurance to be taken into account vary according to the age when the beneficiary becomes disabled and his age when arriving in Norway, we have made three examples: Showing the calculation of invalidity benefit payable to a standard beneficiary born in 1962, 1977 and in 1989.

In the first example, we have calculated the benefit for the standard beneficiary with an actual insurance period of 15 years, who arrived in Norway at the age of 45 and who became disabled at 60.

In the second example, the beneficiary has an insurance period of 32 years, as future years of insurance are taken into account.

In the third example, future periods of insurance gives the beneficiary the 40 years required for full disability benefit.

Note that special rules apply for the calculation of the disability benefit in cases where less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period in these cases is calculated by subtracting 4/5 of the abovementioned period from 40 years (480 months).

Example: 1

The beneficiary is born in January 1962 and has lived in Norway from January 2009, when he was 45 years old. He has an actual insurance period of 15 years when becoming disabled in January 2024 at the age of 60.

In this case, less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period is then calculated by using the following formula:

$$480 \text{ months} - \frac{4 \times 527 \text{ months}}{5} = 58.4 \text{ months} = 4.9 \text{ years}$$

The beneficiary will have an actual insurance period of 15 years, and an expected future insurance period of 4.9 years. The total insurance period will thus be 19.9 years, which will be rounded up to 20 years.

The beneficiary in this example will therefore have a total insurance period of 20 years.

(D) Disability benefit $\frac{\text{NOK } 540\,720 \times 66 \times 20}{100 \times 40}$ = NOK 178 438

(E) Family benefit payable under employment
Child benefit – two children = NOK 39 312

(F) Child benefit – payable during contingency = NOK 39 312

Supplement for two children $\frac{2 \times 116\,239 \times 40 \times 20}{100 \times 40}$ = NOK 46 495

Total family benefit during contingency = NOK 85 807

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

(D+F)/(C+E) = (178 438 + 85 807)/(540 720 + 39 312) = 0,456): 45.6 %

Example 2 (cf. Article 10)

The beneficiary is born June 1977 and having lived in Norway from January 2009 he has an actual insurance period of 15 years when becoming disabled in January 2024. The expected future insurance period is 17 years. The beneficiary in this example gets a total insurance period of 32 years.

(D) Disability benefit $\frac{\text{NOK 540 720 x 66 x 32}}{100 \text{ x } 40}$ = NOK 285 500

(E) Family benefit payable under employment
Child benefit – two children = NOK 39 312

(F) Child benefit – payable during contingency = NOK 39 312

Supplement for two children $\frac{2 \text{ x } 116\,239 \text{ x } 40 \text{ x } 32}{100 \text{ x } 40}$ = NOK 74 393

Total family benefit during contingency = NOK 113 705

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

(D+F)/(C+E) = (285 500 + 113 705)/(540 720+ 39 312) = 0,688): 68.8 %

Example 3 (cf. Article 10)

The beneficiary is born June 1989 and having lived in Norway from January 2009 he has an actual insurance period of 15 years when becoming disabled January 2024. The expected future insurance period is 27 years.

The beneficiary in this example gets a total insurance period of 40 years (maximum).

(D) Disability benefit $\frac{\text{NOK 540 720 x 66 x 40}}{100 \text{ x } 40}$ = NOK 356 875

(E) Family benefit payable under employment
Child benefit – two children = NOK 39 312

(F) Child benefit – payable during contingency = NOK 39 312

Supplement for two children $\frac{2 \text{ x } 116\,239 \text{ x } 40 \text{ x } 40}{100 \text{ x } 40}$ = NOK 92 991

Total family benefit during contingency = NOK 132 303

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$$(D+F)/(C+E) = (\underline{356\ 875} + \underline{132\ 303})/(\underline{540\ 720} + 39\ 312) = 0.843\ ): \underline{84.3\ \%}$$

Example 4 (with reference to the corresponding calculation for survivors' benefit under part X)

The beneficiary is born June 1974 and having lived in Norway from January 2009 he has an actual insurance period of 15 years when becoming disabled in January 2024 at the age of 47.

In this case, less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period is then calculated by using the following formula:

$$480 \text{ months} - \frac{4 \times 378 \text{ months}}{5} = 177.6 \text{ months} = 14.8 \text{ years}$$

The beneficiary in this example gets a total insurance period of 30 years.

(D) Disability benefit $\frac{\text{NOK } 540\ 720 \times 66 \times 30}{100 \times 40}$ = NOK 267 656

(E) Family benefit payable under employment

Child benefit – two children = NOK 39 312

(F) Child benefit – payable during contingency = NOK 39 312

Supplement for two children $\frac{2 \times 116\ 239 \times 40 \times 30}{100 \times 40}$ = NOK 69 743

Total family benefit during contingency = NOK 109 055

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$$(D+F)/(C+E) = (\underline{267\ 656} + \underline{109\ 055})/(\underline{540\ 720} + 39\ 312) = 0.649): \underline{64.9\ \%}$$

Irrespective of previous income, persons who qualify for a disability benefit are as a general rule ensured at least a basic annual disability benefit.

A basic annual disability benefit is granted if this results in a higher amount than the earned benefit. The length of the qualifying period for entitlement to disability benefit is irrespective of previous income. The amount of the basic benefit depends upon whether the person concerned is single or living with a spouse (or registered partner or

cohabitant). The annual basic disability benefit amounts to 2.28 B.a. if the person concerned is living with a spouse etc.

A standard beneficiary, who has not earned his own disability benefit, would receive an annual disability benefit of NOK 250 308, which equals 49 per cent of the wages of the skilled manual male employee. The basic annual disability benefit is granted at high rate (2.48 B.a.) if the person concerned is single. The basic annual disability benefit will be proportionally reduced, if the sum of the actual and future insurance periods of insurance is less than 40 years.

The benefit is payable as long as the person remains insured. This requirement does not apply if the person has been resident in the Realm for at least 20 years. A person who has been a resident for less than 20 years, is entitled to a disability benefit solely based upon previous income.

A person with a longer period of insurance than 20 years, will receive the full benefit (irrespective of whether it is fully income based or partly or fully based on the (residence based) guarantee of the basic annual disability benefit), even if he/she moves abroad without maintaining his/her insurance coverage under the Norwegian National Insurance Scheme. A recipient who is no longer insured because he/she has left the country and who has been insured for less than 20 years, will be entitled to a disability benefit based on previous calendar years in which he/she has had pensionable income equal to at least one B.a., recalculated based on both previous and future periods of insurance.

As stated above, the basic annual disability benefit will be proportionally reduced, if the sum of the actual and future insurance periods of insurance is less than 40 years.

2019 CEAR's conclusions – Pending

Part IX (Invalidity benefit), Article 56(a) and Part X (Survivors' benefit), Article 62(a) of the Code. Replacement rate of benefits. The Committee notes the information provided by the Government as regards the calculation of invalidity and survivors' pensions, which are not only based on periods of coverage which have actually been completed, but also on future periods between the occurrence of the contingency and the normal pensionable age. The Committee thus requests the Government to provide the calculation of invalidity and survivors' benefits in accordance with Title IV of the report form for a standard beneficiary who has completed 15 years of insurance and for whom a further 15 years of future period have been credited.

Norway's response:

Example 4 (with reference to the corresponding calculation for survivors' benefit under part X)

The beneficiary is born June 1972 and having lived in Norway from January 2005 he has an actual insurance period of 15 years when becoming disabled in January 2020 at the age of 47.

In this case, less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period is then calculated by using the following formula:

$$480 \text{ months} - \frac{4 \times 378 \text{ months}}{5} = 177.6 \text{ months} = 14.8 \text{ years}$$

The beneficiary in this example gets a total insurance period of 30 years.

(D) Disability benefit $\frac{\text{NOK } 474\,000 \times 66 \times 30}{100 \times 40}$ = NOK 234 630

(E) Family benefit payable under employment

Child benefit – two children = NOK 25 296

(F) Child benefit – payable during contingency = NOK 25 296

Supplement for two children $\frac{2 \times 98\,866 \times 40 \times 30}{100 \times 40}$ = NOK 59 320

Total family benefit during contingency = NOK 84 616

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

D+F/C+E = 319 246/499 296 = 0.639): 63.9%

IX – 5. Adjustment of benefits

1. The basic annual disability benefit and disability benefit rate is calculated in relation to the Basic amount. The Basic amount is adjusted annually, with effect from 1 May, in accordance with changes in the general income level.

2. and 3.

Period under review	Cost-of-living index <1>	Earnings <1>	Standard benefit <2>		
			Example 1	Example 2	Example 3
A) 2022	122,8	512 400	213 006 <3>	340 809 <4>	426 011 <5>

B) 2023	129,6	540 720	224 933 <3>	359 893 <4>	449 866 <5>
C) per cent A/B	94,8	94,8	94,7	94,7	94,7

<1> 2015 = 100 (Cost-of-living index. Source: Statistics Norway)
<2> The benefit comprises: disability benefit, supplement for two children. Child benefit is not included.
<3> The beneficiary has a total insurance period of 20 years (cf. example 1).
<4> The beneficiary has a total insurance period of 32 years (cf. example 2).
<5> The beneficiary has a total insurance period of 40 years (cf. example 3).

Reference is made to Part V-5.

2020 CECAR's comments

Norway would like to highlight that our answer to the 2020 CECAR's comments, regarding Invalidity benefit, Article 10 of Convention No. 128, is in accordance with the aforementioned stated in the report.

Invalidity benefit, Article 10 of Convention No. 128. Calculation of the level of benefit. (a) Composition of the disability benefit. With respect to the composition of the disability benefit taken for the purpose of the Convention, the report mentions the basic benefit granted if the disability involves significant extra expenses; the attendance benefit granted if the disabled person needs special attention; the basic amount; the special supplement which is calculated as a percentage of the basic amount; the basic pension which is linked to the time of residence in Norway (insurance period); and the supplementary pension linked to the number of years with income exceeding the B.a. earning pension points. A married receiver of the disability benefit may also be entitled to the special supplement which may be calculated at 74 or 100 per cent of the B.a., or 200 per cent if the pensioner supports a spouse over 60 years of age. Receiving both the special supplement and the supplementary pension is subjected to the special rules prescribing their combined rates and limits. As each element of the disability benefit is subjected to different conditions of entitlement, the Committee asks the Government to specify which of them shall comprise the invalidity benefit for the purpose of the Convention and shall be taken into account in calculating its replacement rate under the standard scenario. Please explain the rules of combining the selected elements and calculating their resulting rates applicable to the standard beneficiary, bearing in mind the requirements of Article 26(3) of the Convention.

Norway's reply:

Recourse is had Article 26 of C128 (subparagraph 6), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2020, the average annual pay for male full-time employees in this category was NOK 468 600.

With regards to the composition of the disability benefit, as of 1 January 2015 there is no special supplement, the benefit is no longer based on the earnings of pension points and with the exception of the minimum annual disability benefit there is no distinction between a recipient who is married and others.

The benefit does not differentiate on the basis of whether the disability involves significant extra expenses or the recipient needs special attention. However,

independently of whether the person receives a disability benefit, the person may be qualified for other cash benefits at the same time, such as basic benefits and technical aids.

The disability benefit is calculated on the basis of the average pensionable income of the best three of the previous five years, before the onset of disability. Income exceeding 6 B.a. (NOK 638 394 as of 1 May 2021) is not taken into account. The disability benefit rate per year is 66 per cent of the calculation basis.

The disability benefit is adjusted according to the length of the recipient's period of insurance. The period of insurance consists of both insurance periods prior to the onset of disability and calculated future insurance periods. Future periods of insurance up to and including the year in which the person attains the age of 66 are taken into account. Limitations apply if the person has had periods abroad of some length. The actual period is the period from the age of 16 until the disability occurred, while the future period is calculated from the time the disability occurred up to the year the recipient attains the age of 66.

The recipient is guaranteed a minimum annual disability benefit if this results in a higher amount than the disability benefit which the disabled in fact has earned. Recourse is had to subsection c for further details on the basic benefit.

The disability benefit, including the child benefit, shall comprise the invalidity benefit for the purpose of the relevant conventions and shall be taken into account in calculating the replacement rate under the standard scenario. Recourse is had to subsection d for details on the child supplement.

(b) Qualifying period and future period of insurance. The Committee notes that the method of calculation of the disability benefit takes into account, in addition to the actual insurance period completed before the contingency, the future period of insurance up to and including the year the person attains the age of 66. If less than 80 per cent of the period between the age of 16 and the onset of disability is an insurance period, the future insurance period is then calculated by subtracting 80 per cent of the mentioned period, for 40 years (in the examples given in the report this means up to 62 years). Consequently, the report gives examples of calculations based on the total insurance period of 32 or 40 years, including the actual insurance period of 15 years. The Committee observes that these examples do not follow the method of calculation prescribed by the Convention, inasmuch as the replacement rate of the invalidity benefit for the standard beneficiary is calculated on the basis of the insurance period being longer than the maximum qualifying period stipulated in Article 11 of the Convention for calculating the standard benefit under its paragraph 1 and the reduced benefit under paragraph 2. While including the future period of insurance significantly increases the replacement rate of the disability benefit for the beneficiaries who became invalids early in their life, this calculation formula might not guarantee the minimum level of the benefit prescribed by the Convention to the beneficiaries who have sustained the invalidity at more advanced age. The Committee therefore asks the Government to provide additional examples of the calculation of the replacement rate of the disability benefit for the standard beneficiary with 15 years of actual insurance period and very short or no expected future insurance

period, as may be in the case of the beneficiary who arrived in Norway at the age of 45–50 and became disabled at 60–65.

Norway's reply:

For a full benefit, 40 years of insurance (actual and future) is required. If the sum of previous and future periods of insurance is less than 40 years, the disability benefit will be proportionally reduced. A person living in Norway from the age of 16 to the disability occurred, will automatically receive the full amount of the disability benefit (irrespective of his/her age at the time when the disability occurred). Limitations apply if the person has had periods abroad of some length.

Note that special rules apply for the calculation of the disability benefit in cases where less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period in these cases is calculated by subtracting 4/5 of the abovementioned period from 40 years (480 months).

Example of the calculation of the replacement rate of the disability benefit for the standard beneficiary with 15 years of actual insurance period and very short or no expected future insurance period:

The beneficiary is born in January 1961 and has lived in Norway from January 2006, when he was 45 years old. He has an actual insurance period of 15 years when becoming disabled in January 2021 at the age of 60.

In this case, less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period is then calculated by using the following formula:

$$480 \text{ months} - 5\frac{4 \times 527 \text{ months}}{} = 58.4 \text{ months} = 4.9 \text{ years}$$

The beneficiary will have an actual insurance period of 15 years, and an expected future insurance period of 4.9 years. The total insurance period will thus be 19.9 years. Since the total insurance period exceeds three years, this will be rounded up to 20 years.

The beneficiary in this example will therefore have a total insurance period of 20 years.

(D) Disability benefit $\frac{\text{NOK } 468\,600 \times 66 \times 20}{100 \times 40}$ = NOK 154 638

(E) Family benefit payable under employment
Child benefit – two children = NOK 28 896

(F) Child benefit – payable during contingency = NOK 28 896

Supplement for two children $\frac{2 \times 100\,853 \times 40 \times 20}{100 \times 40}$ = NOK 40 341

Total family benefit during contingency = NOK 69 237

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$$D+F/C+E = (154\,638 + 69\,237)/(468\,600 + 28\,896) = 45.0\ \%$$

Norway would like to emphasize that in this example, the individual is 45 years old when arriving in Norway. It should then be presumed that he or she has earned pension/disability rights in the country where he or she resided before coming to Norway. In the event of the standard beneficiary becoming insured under the Norwegian National Insurance Scheme at an advanced age, so that the future period of insurance is limited, there are several bilateral and multilateral social security coordination instruments in place (cf. Part XII of this report), which will ensure entitlement to social security benefits for people who have been working or otherwise have creditable periods in two or more countries.

(c) Minimum disability benefit. According to The Norwegian Social Insurance Scheme, January 2015 (p. 12), a beneficiary who has been a resident for less than 20 years, will be entitled to a disability benefit solely based upon previous income, the rate of which would fall much below the level of 50 per cent of the skilled workers' wage guaranteed by Convention No. 128. The Committee notes however that, according to the report on Convention No. 128, the disability benefit is subjected to the yearly minimum of 2.28 B.a. for persons living with a spouse/cohabitant and 2.48 B.a. for others, which permits the Government to calculate the replacement rate of the disability benefit also under Article 27 of Convention No. 128 by reference to the unskilled workers' wage. In 2015, the minimum amount paid at the ordinary rate for a married disabled person was NOK 205,355 and would be higher than 50 per cent of the unskilled worker's wage required by the Convention. The Committee asks the Government to specify the conditions under which the minimum disability benefit is granted at the ordinary or high rate and to show that the rate applicable to the standard beneficiary complies with the requirements of Article 27 of Convention No. 128.

Norway's reply:
Irrespective of previous income, persons who qualify for disability benefit are as a general rule ensured a basic annual disability benefit. A basic annual disability benefit is granted if this results in a higher amount than the earned benefit. The length of the qualifying period for entitlement to disability benefit is irrespective of previous income.

The amount of the basic benefit depends upon whether the person concerned is single or living with a spouse (or registered partner or cohabitant). The yearly minimum is 2.28 B.a. (NOK 242 590 as of May 1 2021) for persons living with a spouse/cohabitant, but it is 2.33 B.a. (NOK 247 910 as of May 1 2021) if the person subsequent to 31 December 2014 received a recalculated disability pension. For others, the yearly minimum is 2.48 B.a. (NOK 263 870 as of 1 May 2021). The basic annual disability benefit will be

proportionally reduced, if the sum of previous and future insurance periods of insurance is less than 40 years.

A standard beneficiary, who has not earned his own disability benefits, would receive an annual disability benefit of NOK 242 590 as of 2020, which equals 51,77 per cent of the unskilled worker's wage. As mentioned, the disability benefit, including the child benefit, shall comprise the invalidity benefit for the purpose of the relevant conventions and shall be taken into account in calculating the replacement rate under the standard scenario. The benefit for the standard beneficiary would therefore be higher, due to the child benefit. Reference is made to subsection d for details on the child supplement.

(d) Child supplement. The Committee notes that calculations of the level of the disability benefit include a supplement for two children taken at the full rate of 40 per cent of the basic amount (B.a.) for each supported child under the age of 18, while the report indicates that this supplement is income-tested and may be granted up to 40 per cent of the B.a. on certain conditions. The child supplement is reduced if the annual income (pension and wages) exceeds certain limits (as from 1 May 2021, NOK 531 995 for two children living with both parents). The Committee also notes that the child supplement is calculated in proportion to the total insurance period of the disabled pensioner including future years of insurance after the onset of the disability. If the Government would like to continue including the child supplement in the calculation of the replacement level of the disability benefit, the Committee would ask it to: (a) state the qualifying conditions under which the supplement is granted and the rules of calculating its amount; (b) specify the conditions and the rate which would apply to the standard beneficiary under Part II (Invalidity benefit) of Convention No. 128; (c) provide examples where the child supplement is calculated for the standard beneficiary who has completed the maximum qualifying period stipulated in Article 11 of the Convention without adding to it any future years of insurance; and (d) confirm that the income limit for the child supplement is set high enough to ensure that the supplement will be paid to all persons protected whose earnings do not exceed those of the skilled manual male employee. The Committee nevertheless would like to remind the Government that, in principle, income- or means-tested benefits or supplements are not taken into account for the purpose of calculating the replacement level of benefits under Article 26 of the Convention. Moreover, it may be useful to recall that, with regard to the disability benefit, Article 56(1)(b) of the ECSS, as amended by the Protocol, expressly stipulates that, even if the protection under Part IX (Invalidity benefit) is provided by way of the means-tested benefits, “a prescribed benefit shall be guaranteed without a means test to the prescribed classes of persons determined in accordance with sub-paragraphs (a) or (b) of Article 55, subject to qualifying conditions not more stringent than those specified in paragraph 1 of Article 57”.

Norway's reply:

(a) state the qualifying conditions under which the supplement is granted and the rules of calculating its amount;

A recipient of a disability benefit may be entitled to a child supplement if he/she is supporting his/her own children or foster children under the age of 18. The full amount of the child supplement is 0.4 B.a. per child, equal to (NOK 106 399 x 0.4 =) NOK 42 560, as of 1 May 2021.

The child supplement is means-tested. If the income exceeds a certain threshold, the supplement is reduced by 50 per cent of the exceeding amount.

If the child lives with both parents, the income of both parents will be used as a basis to determine the amount of the child supplement. The threshold amount for one child is 4.6 B.a. The threshold amount is increased by 0.4 B.a. for each additional child.

If the child lives with only one of the parents, the income of the parent who is eligible for child supplement is used as a basis to determine the amount. The threshold amount for one child is 3.1 B.a. The threshold amount is increased by 0.4 B.a. for each additional child. The income of a spouse or cohabitant who is not the parent of the child, is not taken into account when determining the amount of the supplement.

The total sum of the disability benefit and child supplement may not exceed 95 per cent of the recipient's income prior to the onset of the disability. The child supplement will be reduced proportionally, if the sum of the beneficiary's previous and future periods of insurance is less than 40 years.

b)
In this scenario, the standard beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children. As the total income of the standard beneficiary and his wife does not exceed the threshold amount of 5 B.a. (NOK 531 995, as of 1 May 2021), the child supplement will not be reduced.

c)
Examples of the calculation of child supplement is given below.

The ministry would like to emphasise that Example 2a is incorrect with regard to what the beneficiary would actually be entitled to, as we are asked not to include future years of insurance when calculating the supplement. Unless the onset of disability occurs when the person is 66 years of age, the Disability Benefit will always be calculated with future periods of insurance. Example 2b, however, shows what the same beneficiary would be entitled to in accordance with the provisions of the National Insurance Act.

Example 1:
The beneficiary was born in January 1961 and has lived in Norway his/her whole life and becomes disabled in January 2021. The actual insurance period is then equal to the maximum period of 40 years. The beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children.

The child supplement will then amount to:

$$\frac{2 \times 0.4 \times 100\,823 \times 40}{40} = \text{NOK } 80\,682$$

Example 2a:
The beneficiary was born in January 1987 and has lived in Norway since January 2006 and becomes disabled in January 2021. The actual insurance period is 15 years. The

person will be 67 years of age in 2053 and the total insurance period is then equal to the maximum period of 40 years. The beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children.

The child supplement will then be equal to:

$$\frac{2 \times 0.4 \times 100\,853 \times 15}{40} = \text{NOK } 30\,256$$

Example 2b:
The beneficiary was born in January 1987 and has lived in Norway since January 2006 and becomes disabled in January 2021. The actual insurance period is 15 years. The person will be 67 years of age in 2053 and the total insurance period is then equal to the maximum period of 40 years. The beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children.

The child supplement will then be equal to:

$$\frac{2 \times 0.4 \times 100\,853 \times 40}{40} = \text{NOK } 80\,682$$

d)
Norway's reply:

The wage of the unskilled male worker is NOK 468 600, which is less than the threshold for two children of 5 B.a. (equal to NOK 504 265, as of 2020).

IX - 6. Qualifying period

§1(i) Article 1 ECSS, C128
The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

Article 57. ECSS
1. The benefit specified in Article 56 shall, in a contingency covered, be secured at least:
(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
(b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
(b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule

appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the pension corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

Article 11. C128
1. The benefit specified in Article 56 shall, in a contingency covered, be secured at least:
(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
(b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
(b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with paragraph 1.b of this article has been paid.
3. The requirements of paragraph 1 of this article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the pension corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this article.
5. The requirements of paragraphs 1 and 2 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V is secured at least to a person protected who has completed, in accordance with prescribed rules, a qualifying period of contribution or employment which shall not be more than five years at a prescribed minimum age and may rise with advancing age to not more than a prescribed maximum number of years.

An insured person between the ages of 18 and 67, whose income capacity is permanently reduced by at least 50 per cent due to illness, injury or defect, is entitled to disability benefit if he/she has been insured for at least five years prior to the contingency. As a general rule, all persons who are either resident or working as employees in Norway or on movable installations on the Norwegian Continental Shelf, are compulsorily insured under the Norwegian National Insurance Scheme.

The disability benefit is calculated on the basis of the average pensionable income of the best three of the last five years before the onset of disability. The yearly minimum is 2.28 B.a. or 2.33 B.a. for persons living with a spouse/cohabitant, and 2.48 B.a. for others. The calculation of the benefit is linked to the insurance period, i.e. the time of residence or work in Norway. Recourse is made to our previous reports, and reference is made to the remarks above (Article 10) concerning the amount of future expected years to be included.

Recourse is had to paragraphs 1 and 2.

Calculation of reduced benefit

The benefit is calculated in the case of a standard beneficiary on the basis of an insurance period (work or residence in Norway) of 5 years. Unless the onset of disability occurs when the person is 66 years of age, the supplement will always be calculated with future periods of insurance.

Reference is made to examples and calculations above under Article 10.

The standard beneficiary is a male manual employee with a wife and two children. Previous earnings equal NOK 540 720 a year.

Example 1 (cf. Article 11)

The beneficiary is born June 1977 and having lived in Norway from January 2019 he has an actual insurance period of 5 years when disabled January 2024. Unless the onset of disability occurs when the person is 66 years of age, the supplement will always be calculated with future periods of insurance.

The beneficiary in this example gets a total insurance period of 22 years.

(D) Disability benefit $\frac{\text{NOK 540 720 x 66 x 22}}{\text{100 x 40}}$ = NOK 196 281

(E) Child benefit – two children = NOK 39 312

(F) Child benefit during contingency = NOK 39 312

Supplement for two children $\frac{\text{2 x 116 239 x 22 x 40}}{\text{100 x 40}}$ = NOK 51 145

Total family benefit during contingency = NOK 90 457

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

(D+F)/(C+E) = (196 281 + 90 457)/(540 720 + 39 312) = 0.494): 49.4 %

Example 2 (cf. Article 11)

The beneficiary is born June 1982 and having lived in Norway from January 2019 he has an actual insurance period of 5 years when disabled January 2024. Unless the onset of disability occurs when the person is 66 years of age, the supplement will always be calculated with future periods of insurance.

The beneficiary in this example gets a total insurance period of 26 years.

(D) Disability benefit $\frac{\text{NOK 540 720 x 66 x 26}}{\text{100 x 40}}$ = NOK 231 969

(E) Child benefit – two children = NOK 39 312

(F) Child benefit = NOK 39 312

Supplement for two children $\frac{2 \times 116\,239 \times 26 \times 40}{100 \times 40}$ = NOK 60 444

Total family benefit during contingency = NOK 99 756

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

(D+F)/(C+E) = (231 969 + 99 756)/(540 720 + 39 312) = 0.571): 57.1 %

Insurance under the National Insurance Scheme will as a general rule be terminated for a person who resides outside of Norway for more than 12 consecutive months (or for more than six months per year), or who take up work abroad. However, if compulsory membership is terminated, the person may be entitled to a voluntary membership.

Residence or work abroad are the only situations in which the compulsory insurance will be terminated. This is in compliance with the Code, cf. subparagraph (a) of Article 68. See also Article 69 subparagraph (a) of C102 and Article 32 subparagraph 1 (a) of C128, which allows for suspension of the benefit as long as the person is absent from the territory of Norway.

The disability benefit is payable as long at the person remains insured. This requirement does not apply if the person has been resident in the scheme for at least 20 years. A recipient who is no longer insured because he/she has left the country and who has been insured for less than 20 years, will be entitled to a disability benefit based on previous calendar years in which he/she has had pensionable income equal to at least one B.a., recalculated based on both previous and future periods of insurance.

As the Norwegian National Insurance Scheme is residence based, the typical reason why a person is insured under the Norwegian National Insurance Scheme is that he/she is resident in Norway. However, one will also be compulsorily insured under the Norwegian National Insurance Scheme while working in Norway and residing abroad. A reduced disability benefit would therefore indeed be payable to a standard beneficiary who could justify five years of contribution or employment, but not residence in Norway. As regards the calculation in such a situation, reference is made to the examples given under Part IX – 6 of this report.

2020 CECAR's comments

Article 11(1) of Convention No. 128. Qualifying period and condition of insurance. According to The Norwegian Social Insurance Scheme, January 2015, the disability benefit is payable as long as the person remains insured, this requirement being waived if the person has been resident in Norway for at least 20 years. The Committee concludes that persons protected who have completed a qualifying period of only 15 years of

contribution or employment or ten years of residence, will lose their disability benefit if their insurance is terminated. Please explain what other reasons, besides reaching the age limit of 67 years, might lead to the termination of insurance and the consequent loss of the disability benefit in such cases.

Norway's reply:

As stated in the report, insurance under the National Insurance Scheme will as a general rule be terminated for a person who resides outside of Norway for more than 12 consecutive months (or for more than six months per year), or who take up work abroad. If compulsory membership is terminated, the person may be entitled to a voluntary membership under specified conditions.

Residence or work abroad are the only situations in which the compulsory insurance will be terminated.

Norway would like to clarify that it is not accurate that persons "who have completed a qualifying period of only 15 years of contribution or employment or ten years of residence, will lose their disability benefit if their insurance is terminated".

Invalidity benefit may under specified conditions be paid abroad. This applies not only to the contributory components of the benefit. However, a recipient of disability benefit who is no longer insured under the scheme because he/she has left the country and who has been insured for less than 20 years, will be entitled to a disability benefit based solely on previous calendar years in which he/she has had pensionable income equal to at least one B.a., recalculated based on both previous and future periods of insurance. This is in compliance with article 32 subparagraph 1 (a) of C128.

IX - 7. Duration of Benefit

Article 58. ECSS
The benefit specified in Articles 56 and 57 shall be granted throughout the contingency or until an old age benefit becomes payable.

Article 12. C128
The benefit specified in Articles 56 and 57 shall be granted throughout the contingency or until an old-age benefit becomes payable.

The benefit is granted throughout the contingency or until an old age benefit becomes payable.

The age limit for entitlement to Disability Benefit is 67 years, which means that the last payment will take place in the month in which the recipient attains the age of 67. Old-age Pension may, however, be drawn from the month after the insured person attains the age of 62, provided that certain conditions are met. A person may therefore, between the age

of 62 and 67, receive both a partial old-age pension and a partial disability benefit at the same time, i.e. up to a 100 per cent accumulated benefit. Future periods of insurance are calculated up to the age of 67.

In our previous reports the examples of calculation of the replacement rate of the Disability Benefit, future periods of insurance were calculated up to the age of 62, instead of 67. As a general rule, future periods of insurance are indeed calculated up to the age of 67. However, special provisions apply in cases where less than 4/5 of the period from the month after the person attained the age of 16 until he/she became disabled is an actual insurance period. The future insurance period is then calculated by subtracting 4/5 of the above mentioned period from 40 years (480 months), cf. examples under Article 56 ECSS, Article 10 C128.

2020 CECAR's comments

Article 12 of Convention No. 128. Age limit for the duration of benefit. According to the report on Convention No. 128, since 1 January 2015, new disability benefits are granted to an insured person between 18 and 67 years of age, while old-age pension can be drawn between 62 and 75 years of age. The Committee recalls that, according to Article 12 of the Convention, the disability benefit shall be granted throughout the duration of disability or until an old-age benefit becomes payable; its duration therefore cannot be limited by a prescribed age which in certain cases, as in Norway, might be lower than the pensionable age. With respect to the number of employees over 67 years of age who may thus be excluded from the persons protected under Part II of Convention No. 128, the report shows that the number of persons with insurable income at the age of between 17 and 67 constituted 85.8 per cent of the total number of employed persons between the ages of 17 and 74, which means that a substantial number of persons continued to work after reaching the age of 67 years. Recalling that under Convention No. 128, Norway has undertaken to provide the disability benefit to all employees until it is replaced by the old-age pension, the Committee asks the Government to explain how protection is ensured to disabled pensioners who, after attaining the age of 67, have not yet claimed their old-age pension. Please also explain why in the examples of calculation of the replacement rate of the disability benefit given in the report, the future periods of insurance are calculated up to the age of 62 years instead of 67, while in similar examples concerning the survivors' benefit these future periods are calculated up to the age of 67 years, when the surviving spouse may be transferred to the old-age pension.

Norway's reply:

As stated in the report, the age limit for entitlement to Disability Benefit is 67 years, which means that the last payment will take place in the month in which the recipient attains the age of 67. At this time the disability benefit will be replaced by old-age pension. Old-age pension may be drawn from the month after the insured person attains the age of 62, provided that certain conditions are met. A person may, however, not receive both old-age pension and full disability benefit at the same time. If the person receives less than

100 per cent disability benefit, he/she may receive partly old age pension between 62 and 67. The sum of the percentages of disability benefit and old age pension may not be above 100 per cent.

We are asked to explain why the future periods of insurance were calculated up to the age of 62, instead of 67, in the examples of calculation of the replacement rate of the Disability Benefit in our previous report. As a general rule, future periods of insurance are indeed calculated up to the age of 67. However, special provisions apply in cases where less than 4/5 of the period from the month after the person attained the age of 16 until he/she became disabled is an actual insurance period. The future insurance period is then calculated by subtracting 4/5 of the above mentioned period from 40 years (480 months), This the reason for the limited future period of insurance in the aforementioned example.

IX – 8. Rehabilitation services

§2. Article 56. Protocol to the ECSS
Measures shall be taken to provide for functional and vocational rehabilitation services, and to maintain appropriate facilities to assist handicapped persons in obtaining suitable work, including placement services, assistance in helping them transfer to another district when necessary to find suitable employment, and related services.

Article 13. C128
1. Each Member for which this Part of this Convention is in force shall, under prescribed conditions:
(a) provide rehabilitation services which are designed to prepare a disabled person wherever possible for the resumption of his previous activity, or, if this is not possible, the most suitable alternative gainful activity, having regard to his aptitudes and capacity; and
(b) take measures to further the placement of disabled persons in suitable employment.

Location and accessibility of the NAV office and online presence

NAV offices are designed to meet National obligations regarding general accommodation, securing accessibility for all persons, including persons with disabilities. There are NAV offices in all municipalities in Norway. To ensure all persons access to the NAV office, it is always located so it is easily accessible with public transport, often in the city or town centre. User participation is central when deciding on location and adapting the office to ensure accessibility to all persons.

The Labour and Welfare Service's website www.nav.no is designed in compliance with National regulations on universal design of information and communications technology. This ensures accessibility and a user-friendly design for persons with disabilities. People with various types of disabilities are included in the development of the website. This way, the online communication aims to meet the needs and expectations of persons with disabilities. Additionally, persons may contact the Labour and Welfare Service (NAV) over the phone or by online chat service.

Norway have in earlier reports provided information related to the Committee's request on the results of the memorandum of understanding on an Inclusive Working Life from March 2014 to December 2018.

The government and the social partners have committed to a new Letter of Intent regarding a more inclusive working life for the years 2019–2022. The agreement aims for high employment rates by preventing and reducing absence due to sickness and withdrawal from employment. The 2019–2022 agreement aims for a 10 per cent reduction in sick leave compared to the annual average in 2018 and for a reduction in withdraval from work (concrete aim not yet specified).

Work Assessment Allowance was introduced in 2010.

Insured persons may be entitled to Work Assessment Allowance if residing in Norway and having been insured for at least five years immediately prior to claiming the allowance. An insurance period of one year is sufficient if the claimant was insured when the working capacity was reduced, and the insurance periods after the age of 16 are at least equal to the periods without insurance, or if the claimant after the age of 16 has been insured with the exception of maximum five years.

Work Assessment Allowance is granted to insured persons between the ages of 18 and 67 whose working capacity is reduced by at least 50 per cent. Illness, injury or defect must be a significant contributory factor to the reduced work capacity.

Work Assessment Allowance shall cover living expenses and is normally granted when the person in question is undergoing active treatment or vocational measures, or when the person in question has tried such measures and is still considered to have a certain possibility of becoming employed, and is being followed up by the Norwegian Labour and Welfare Service.

Work Assessment Allowance is calculated on the basis of the pensionable income the year before the working capacity was reduced by at least 50 per cent. The Work Assessment Allowance shall, however, be calculated on the basis of the average pensionable income of the last three calendar years prior to the contingency, if this results in a higher basis. The maximum calculation basis is 6 B.a. (NOK 744 168). The benefit rate per year is 66 per cent of the calculation basis, and is paid for five days a week. Insured persons who had low, or no, pensionable income before the working capacity was reduced by at least 50 per cent, is guaranteed a minimum annual benefit of 2 B.a. (NOK 744 168), and 2/3 of 2 B.a. for recipients under the age of the 25. In addition, a child supplement of NOK 36 is granted for each dependent child under the age of 18. The supplement is paid for five days a week.

Supplementary allowances can be granted to insured persons between the ages of 18 and 67. These allowances shall fully or partially compensate for expenses which they have incurred while undergoing vocational measures.

IX - 9. Suspension of Benefit

Reference is made to information provided under Part V-8 and Part XIII-1.

An insured person whose income capacity is permanently reduced by at least 50 per cent due to illness, injury or defect, is entitled to a disability benefit. If the disability is due to an approved occupational illness or injury, it is sufficient that the income capacity is permanently reduced by at least 30 per cent.

In the case of a partial disability, the benefit is reduced proportionally. This can either be based on actual income, or the recipient's possibility to have an income, as determined by the Labour and Welfare Administration. There are, however, no sanctions in the form of the suspension of the partial benefit if the person concerned does not utilize his or her residual work ability. The same rules apply in case of disability caused by employment injury.

Sections 12-19 and 12-20 of the National Insurance Act governs the entitlement to Disability Benefit while admitted to a social security institution or service at public expense as well as imprisonment. In accordance with Section 12-19 of the National Insurance Act, the Disability Benefit is reduced to 14 per cent from the fourth month after the stay commenced. A recipient maintaining a spouse or child/children is, however, not subject to a reduction while admitted to a social security institution or service at public expense.

While serving a prison sentence, the Disability Benefit is in accordance with Section 12-20 of the National Insurance Act, suspended from the second month of incarceration. However, a recipient maintaining a child is subject to a reduction which constitute only 50 per cent of the disability benefit.

If a person has made a fraudulent claim and as such does not fulfil the requirements of the specific benefit, the decision to grant the benefit may be reversed in accordance with Section 35 of the Public Administration Act, effectively suspending the benefit. The benefit may also be suspended in accordance with paragraph 1 of Section 21-7 of the National Insurance Act, provided that the recipient knowingly provides false information. If a person has received any benefit on the basis of a fraudulent claim, he or she may be instructed to pay back the full amount of benefit in accordance with Section 22-15 of the National Insurance Act.

Paragraph 2 of Section 21-8 of the National Insurance Act states that a benefit may be suspended if the recipient's actions may aggravate his or her health condition or prolong his or her incapacity to work. In order to suspend the benefit in accordance with this provision, the recipient should be aware that his or her actions may have such consequences. The benefit may also be suspended if the recipient without just cause

refuses to make use of medical treatment or rehabilitation services placed at his or her disposal.

IX - 10. Right of complaint and appeal

Reference is made to information provided in Part V-9 and Part XIII-2.

X – 11. Financing and Administration

Reference is made to information provided in Part V-10 and Part XIII-3

Taxation

The disability benefit is taxed as income from work.

Part X. Survivors' benefit

Norway has accepted the obligations resulting from Part IV of C128 and Part X of the ECSS, as amended by its Protocol.

List of applicable legislation

National Insurance Act *(folketrygdloven)* of 28 February 1997, with later amendments
Child Benefits Act *(barnetrygdloven)* of 8 March 2002, with later amendments

X - 1. Regulatory framework

Article 59. ECSS, Article 20. C128
Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of survivors' benefit in accordance with the following Articles of this Part.

Survivors' benefit is secured to the persons protected in accordance with the provisions of the Norwegian National Insurance Act.

X - 2. Contingency covered

Article 60. ECSS
1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.
2. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount, and, if non contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 21. C128
1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner.
2. In the case of a widow the right to a survivors' benefit may be made conditional on the attainment of a prescribed age. Such age shall not be higher than the age prescribed for old-age benefit.
3. No requirement as to age may be made if the widow:
(a) is invalid, as may be prescribed; or
(b) is caring for a dependent child of the deceased.
4. In order that a widow who is without a child may be entitled to a survivors' benefit, a minimum duration of marriage may be required.

§1(e) Article 1.C128
The term "dependent" refers to a state of dependency which is presumed to exist in prescribed cases.

Benefits to Surviving Spouse

The survivors' benefits of the Norwegian National Insurance Act have been subject to a reform. The revised provisions came into force 1 January 2024. The former scheme with a pension to a surviving spouse has been replaced by a scheme where the survivor receives, for a limited period, an adjustment allowance.

Regarding survivors' pension prior to 2024, reference is made to previous reports.

The adjustment allowance may be granted to a surviving spouse (or cohabitant who previously has been married to or has children with the deceased) for up to three years following the death of the spouse. The period may be prolonged with two additional years if the survivor attends education or is in need of labour market measures. If the survivor was born in 1963 or earlier, and has had little or no work related income, the adjustment allowance may be granted until he or she attains the age of 67.

The deceased must, as a main rule, have been insured or have received a pension or disability benefit for at least five years immediately prior to death. The survivor must be insured under the Norwegian National Insurance Scheme. The condition that the survivor shall be insured is waived if either the survivor or the deceased has an insurance period of 20 years or more between the ages of 16 and 66. If the survivor is not insured, and neither the survivor or the deceased have an insurance period of 20 years, an allowance adjusted according to the number of years where the deceased has earned pension points is granted.

Adjustment allowance is granted to a surviving spouse etc. if the marriage lasted for five years or the survivor has or previously had children with the deceased or is taking care of children under the age of 18 at least 50 per cent of full-time.

A divorced spouse etc. who has not remarried at the time of the death of the former spouse, is entitled to benefits according to the same rules provided that the divorced spouse was dependent on the deceased and that the marriage lasted for at least 25 years, or 15 years if there were children in the marriage.

As a general rule, the recipient of the adjustment allowance will be subject to an activity requirement after a period of six months. The activity requirement states that the survivor must work or study at least 50 per cent of normal working time or actively search for employment. Twelve months after the death of the spouse, the survivor may be required to attend such activities full-time. The allowance ceases if/when the survivor is entitled to a full disability benefit, starts drawing old-age pension, attains the age of 67 or remarries. If the surviving spouse was born in 1963 or earlier, and has had little or no earned income, the activity requirement is waived.

The adjustment allowance is calculated as a flat rate benefit, amounting to 2.25 B.a. (NOK 279,063). If the deceased's insurance period is less than 40 years, the adjustment allowance will be proportionally reduced. The allowance will be reduced by 45 per cent of the survivor's income exceeding 0.5 B.a.

The new provisions for survivors' benefits are supplemented with transitional rules. Survivors who have the right to receive survivors' benefits with effect prior to 1 January 2024, may continue to receive the benefit for three to five years. If the survivor in the mentioned category is born in 1970 or earlier, and has had little or no earned income, he/she may receive the benefit until he/she attains the age of 67. With effect from 1

January 2029, the benefit will be calculated as an adjustment allowance. Survivors covered by the transitional rules are exempted from the activity requirement.

Survivors may, in addition to the adjustment allowance, be eligible for other benefits for survivors:

- An education benefit is granted to a surviving spouse who wishes to undergo education or vocational training to be able to maintain him-/herself.

- Child care benefit is granted to a surviving spouse etc. who, due to education or work, must leave the necessary care of the children to someone else. The benefit equals 64 per cent of the expenses for child care, but is limited to NOK 55,800 for the first child, NOK 72,792 for two children and NOK 82,500 for three or more children. If the surviving spouse etc. has income exceeding 6 B.a. (NOK 744,168), he/she receives no child care benefit.

- When a surviving spouse etc. must move to find work, grants are made to cover moving expenses.

Children's Pension

The children's pension has been reformed with effect from 1 January 2024. Children under the age of 20, insured under the Norwegian National Insurance Scheme, are entitled to a children's pension if one or both parents are deceased. As a general rule, it is a requirement that the deceased was insured under the Norwegian National Insurance Scheme or had been drawing a pension or disability benefit for five years immediately prior to the death. The pension is calculated as a flat rate benefit, amounting to 1 B.a. if the child has lost one parent and 2.25 B.a. if the child has lost both. As a general rule, the pension will be proportionally reduced if the deceased's insurance period is less than 40 years.

Regarding children's pension prior to 2024, reference is made to previous reports.

X - 3. Persons protected

§1(f) Article 1 ECSS, C128

The term "wife" means a wife who is maintained [dependent on – C128] *by her husband.*

Article 61. Protocol to the ECSS

The persons protected shall comprise:
(a) the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 80 per cent of all employees; or
(b) the wives and the children of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 30 per cent of all residents; or
(c) all resident widows and resident children who have lost their breadwinner and whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.

Article 22. C128

1. The persons protected shall comprise:
(a)the wives, children and, as may be prescribed, other dependants of all breadwinners who were employees or apprentices; or

(b) the wives, children and, as may be prescribed, other dependants of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 75 per cent. of the whole economically active population; or
(c) all widows, all children and all other prescribed dependants who have lost their breadwinner, who are residents and, as appropriate, whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the provisions of Article 28.
2. Where a declaration made in virtue of Article 4 is in force, the persons protected shall comprise--
(a) the wives, children and, as may be prescribed, other dependants of breadwinners, in prescribed classes of employees, which classes constitute not less than 25 per cent. of all employees; or
(b) the wives, children and, as may be prescribed, other dependants of breadwinners in prescribed classes of employees in industrial undertakings, which classes constitute not less than 50 per cent. of all employees in industrial undertakings.

Recourse is had to paragraph 1(a) of C128. The adjustment allowance and the children's pension may be granted to the widow, widower or child irrespective of whether or not the deceased has been occupationally active.

X - 4. Level and Calculation of Benefit

Article 62. Protocol to the ECSS
The benefit shall be a periodical payment calculated as follows:
(a) where the wives and children of breadwinners in classes of employees or classes of the economically active population are protected, in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
(b) where all resident widows and resident children whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67. Provided that a prescribed benefit shall be guaranteed without a means test to the wives and children of breadwinners in the prescribed classes of persons determined in accordance with sub paragraphs a or b of Article 61, subject to qualifying conditions not more stringent than those specified in paragraph 1 of Article 63.

Article 23. C128
The survivors' benefit shall be a periodical payment calculated as follows:
(a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;
(b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.

SCHEDULE TO PART V OF C128 AND ART. 62 OF PROTOCOL OF THE ECSS. PERIODICAL PAYMENTS TO STANDARD BENEFICIARIES

Part	Contingency	Standard beneficiary	Percentage
IV. C128	Survivors	Widow with two children	45
X. PROTOCOL OF THE ECSS	Survivors	Widow with two children (or two children if widow's pension conditional on her being incapable of self-support)	45

cf. Article 26, Title IV of C128

(C) **Benefits to Surviving Spouse**

Recourse is had to Article 65 of the Code and Article 26 of C128 (subparagraph 6a in both Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2023, the average annual pay for male full-time employees in this category was NOK 540 720.

The standard beneficiary is a widow with two children. The full, annual adjustment allowance for the widow equals NOK 279 063. The full, annual children's pension per child equals NOK 124 028 In total, the full benefit for the standard beneficiary exceeds 45 per cent of the average annual pay for a male full-time employee in the relevant category. Both the adjustment allowance and the children's pension will be proportionally reduced if the deceased's insurance period is less than 40 years.

According to the transition rules given in relation to the reform of the survivors' benefits, surviving spouses etc. who was entitled to a survival pension 1 January 2024, will be entitled to continue to receive the benefit on the prior conditions until 1 January 2027, and upon further conditions until 1 January 2029. If the surviving spouse is entitled to receive the benefit beyond 1 January 2029, the transitional rules state that the benefit will be calculated as an adjustment allowance in accordance with the provisions described in the paragraph above.

The adjustment allowance is subject to an income test. If the surviving spouse etc. has an annual income exceeding 50 per cent of the B.a. (NOK 62 014), the adjustment allowance will be reduced by 45 per cent of the exceeding income. The adjustment allowance will be equal to the full benefit minus 45 per cent of the exceeding income. Certain benefits, like disability benefit, will also lead to the adjustment allowance being reduced. If the beneficiary is entitled to a full disability benefit, the adjustment allowance ceases.

2023 CEAR's conclusions - Pending

Part X (Survivors' benefit), Article 62(a), in conjunction with Article 63(1)(a) of the Code and Schedule to Part XI, as amended by the Protocol. Replacement rate of benefits. The Committee observes from the Government's report the calculations of replacement rate of survivors' benefits made on the basis of 5, 15 or 40 years of insurance which have been actually completed. The Committee further observes that according to the Norwegian legislation, if a person dies before the pensionable age (67 years), the period between the occurrence of the death and the pensionable age ("future period") is also credited for the purpose of calculating a survivors' benefit. ***In this respect, the Committee requests the Government to provide the calculations of replacement rate of survivors' benefits based on the assumption that a standard beneficiary has completed 15 years of insurance and for whom a further 15 years of future period have been credited.***

Norway's response:
Since the submission of the previous report, the reformed conditions for survivors' benefits have been given effect (as of 1 January 2024). The new survivors' benefit, the adjustment allowance, is calculated as a flat rate-benefit. The full allowance equals 2.25 B.a. If the deceased's insurance period was less than 40 years, the allowance will be proportionally reduced.
The provisions of the Norwegian National Insurance Act state that the period from the time of death up until the year the deceased would have turned 66 shall be deemed as insurance period when calculating the adjustment allowance, in addition to the actual insurance period of the deceased on the time of death.
The Committee's request is to provide calculations of replacement rate of survivors' benefits regarding the beneficiary's insurance period. However, the National Insurance Act states that relevant insurance period when calculating the adjustment allowance is the deceased's insurance period. To give an illustrative response to the request, we have calculated the adjustment allowance as if the deceased had 30 years of insurance time (15 years of completed insurance time and 15 years of future periods). The calculation is based on the average B.a. of 2023 (NOK 116 239) in order to fulfil the requirements of paragraph 4 of Article 65 of the Code, concerning calculation "on the same time basis".
Insurance period of 30 years
Calculation of adjustment allowance:
(2.25 x 116 239) x (30/40) = NOK 196 153
Calculation of children's pension per child:
(1 x 116 239) x (30/40) = NOK 87 179
Calculation of replacement rate:
(196 153 + 87 179 + 87 179) / 540 720 = 0.6852: 68.52%

Children's Pension
If one parent is dead, the full annual children's pension per child equals the B.a. (NOK 124 028). If the child has lost both parents, the full pension is 2.25 B.a. (NOK 279 063).

If the deceased's insurance period is less than 40 years, the pension will be proportionally reduced. Children's pension will be granted at the full level, irrespective of the length of the insurance period, if the death was caused by an occupational injury.

Children's pension is not reduced on the basis of work related income, but ceases in the extent that the child is entitled to a disability benefit.

Remarks regarding the scheme prior to 1 January 2024Based on the comments from the Committee of Ministers in 2017, we have calculated the benefit for the standard beneficiary with an actual insurance period of 5 years and an actual insurance period of 15 years.

Reference is, however, made to our remarks concerning Disability Benefit. We would like to emphasise that the examples are incorrect with regard to what the beneficiary would actually be entitled to, as we are asked not to include future years of insurance when calculating the supplement. The actual pension amounts (both as regards the pension for the surviving spouse and the children's pension) would, due to the provisions of the Norwegian National Insurance Act, which states that future years of insurance should be included in the calculation, be much higher (typically identical for the beneficiary with an actual insurance period of 5 years and the beneficiary with an actual insurance period of 15 years) and well above the level required by the schedule to Part V of C128 and Article 62 of the Protocol of the ECSS.

The calculation is based on the average B.a. of 2023 (NOK 116 239) in order to fulfil the requirements of paragraph 4 of Article 65 of the Code, concerning calculation "on the same time basis".

For comparison purposes, we have also calculated the benefits for the standard beneficiary with an insurance period of 40 years. Due to the provisions of the Norwegian National Insurance Act, which states that future years of insurance should be included in the calculation, this would be the typical pension amount for survivors of persons with previous wages equal to a pension point figure of 3.67 (2023: NOK 540 720).

Insurance period of 5 years

(D) Basic pension $\frac{\text{NOK 116 239x 5}}{40}$ = NOK 14 530

Supplementary pension

$\frac{\text{NOK 116 239 x 3.67 x 5 x 42}}{\text{40 x 100}} \times \frac{55}{100}$ = NOK 12 318

Special supplement[23] = NOK 2 212

[23] As the amount of the supplementary pension in this case is lower than the level of special supplement which a person with an insurance period of 5 years would be entitled to (5/40 of NOK 116 239 = NOK 14 530, a differential amount is granted, topping up the benefit to the aforementioned level.

Amount of benefit granted a year = NOK 29 060

(E) Family benefit payable under employment
Total child benefit for one child aged 0-5 and one child aged 6-17 = NOK 72 792[24]

(F) Child benefit – single parent with one child aged 0-5 and one child aged 6–17 = NOK 69 504
Children's pension

$$\frac{\text{NOK } 116\,239 \times 65 \times 5}{100 \times 40} = \text{NOK } 9\,444$$

Total family benefit during contingency = NOK 180 800

(G) Sum of benefits payable under contingency (D+F) as a percentage of the sum of standard wages and family benefit payable under employment (C+E):

(D+F) / (C+E) = (29 060 + 69 504) / (540 720 + 72 792) = 0. 160): 16.0 %

Insurance period of 15 years

(D) Basic pension $\frac{\text{NOK } 116\,239 \times 15}{40}$ = NOK 43 590

Supplementary pension

$$\frac{\text{NOK } 116\,239 \times 3.67 \times 15 \times 42}{40 \times 100} \times \frac{55}{100} = \text{NOK } 36\,954$$

Special Supplement[25] = NOK 6 636

Amount of benefit granted a year = NOK 87 180

(E) Family benefit payable under employment
Child benefit for one child aged 0-5 and one child aged 6-17 = NOK 72 792[26]

(F) Child benefit – single parent with one child aged 0-5 and one child aged 6-17 = NOK 69 504

Children's pension

[24] The survivor gets 64 per cent of childcare expenses covered. The stated amount is the maximum that can be given in support.

[25] As the amount of the supplementary pension in this case is lower than the level of special supplement which a person with an insurance period of 15 years would be entitled to (15/40 of NOK 116 239 = NOK 43 590), a differential amount is granted, topping up the benefit to the aforementioned level.

[26] The survivor gets 64 per cent of childcare expenses covered. The stated amount is the maximum that can be given in support.

NOK 116 239 x 65 x 15
100 x 40 = NOK 28 333

Total family benefit during contingency = NOK 257 809

(G) Sum of benefits payable under contingency (D+F) as a percentage of the sum of standard wages and family benefit payable under employment (C+E):

(D+F) / (C+E) = (87 180 + 69 504) / (540 270 + 72 792) = 0. 255): 25.5 %

Insurance period of 40 years

(D) Basic pension NOK 116 239 x 40 / 40 = NOK 116 239

Supplementary pension

NOK 116 239 x 3.67 x 40 x 42 x 55
40 x 100 100 = NOK 98 543

Special supplement[27] = NOK 17 696

Amount of benefit granted a year = NOK 232 478

(E) Family benefit payable under employment
Child benefit for one child aged 0-5 and one child aged 6-17 = NOK 72 792[28]

(F) Child benefit – single parent with one child aged 0-5
and one child aged 6-17 = NOK 69 504

Children's pension

NOK 116 239 x 65 x 40
100 x 40 = NOK 75 555

Total family benefit during contingency = NOK 450 329

(G) Sum of benefits payable under contingency (D+F) as a percentage of the sum of standard wages and family benefit payable under employment (C+E):

(D+F) / (C+E) = (232 478 + 69 504) / (540 720 + 72 792) = 0.492): 49.2 %

[27] As the amount of the supplementary pension in this case is lower than the level of special supplement which a person with an insurance period of 40 years would be entitled to (40/40 of NOK 116 239 = NOK 116 239), a differential amount is granted, topping up the benefit to the aforementioned level.

[28] The survivor gets 64 per cent of childcare expenses covered. The stated amount is the maximum that can be given in support.

Benefits to Surviving Spouse prior to 1 January 2024

A full survivors' pension consists of a basic pension equal to the B.a., and 55 per cent of the supplementary pension which the deceased received, or would have been entitled to, as totally disabled. If the deceased was 67 years or older, pension earning up to the time of death is included, but not longer than the 75th year for persons born in or after 1943, or longer than the 69th year for persons born in 1942 or before.

If the deceased, due to the length of the insurance period, would have got or had a reduced basic pension, the survivor's basic pension is reduced proportionally.

Survivors who have no, or only a small, supplementary pension, are entitled to a special supplement of 1 B.a. from the National Insurance Scheme. The special supplement is reduced proportionally in the case of a shorter insurance period than 40 years. The amount of any supplementary pension is deducted from the special supplement.

The survivors' pension is subject to an income test. If the surviving spouse etc. in fact has, or may be expected to get, an annual income exceeding 50 per cent of the B.a. (NOK 62 014), the pension will be equal to the difference between a full pension and 40 per cent of the exceeding income. A surviving spouse etc. under the age of 55 is expected to have an annual earned income of at least 2 B.a. (NOK 248 046). For a survivor under the age of 55 without earned income, the pension will be reduced by minimum NOK 74 417, unless the person concerned have a reasonable cause for not having any income. Survivors who are not employed at the time of death, are allowed a reasonable transitional period.

A transitional benefit may be granted to a surviving spouse etc. who is not entitled to a survivors' pension. The transitional benefit is determined according to the same rules as a survivors' pension.

Children's Pension prior to 1 January 2024

If one parent is dead, the full annual children's pension for the first child equals 40 per cent of the B.a. (NOK 49 611), and to each subsequent child 25 per cent of the B.a. (NOK 31 007).

If both parents are dead, the first child receives a children's pension equal to the survivors' pension which would have been paid to the parent who was entitled to the highest pension. The full children's pension for the second child equals 40 per cent of the B.a., and 25 per cent of the B.a. for each subsequent child.

When there are two or more children, the pensions are added together and divided equally among the children.

Children's pension assessed as a percentage of the B.a. is granted at proportionally reduced rate in accordance with the reduction a possible basic pension to a surviving spouse is subjected to due to uncompleted insurance periods. A period of 40 years is required in order to be entitled to the full pension. However, if the parent died as a result

of an occupational injury, the Children's pension is granted at the full level, irrespective of the length of the insurance period.

As is shown in connection with the calculations above, the actual pension amounts (both as regards the pension for the surviving spouse and the children's pension) would, due to the provisions of the Norwegian National Insurance Act, which states that future years of insurance should be included in the calculation, be much higher (typically identical for the beneficiary with an actual insurance period of 5 years and the beneficiary with an actual insurance period of 15 years) and well above the level required by the schedule to Part V of C128 and Article 62 of the Protocol of the ECSS.

As is also shown above, the Norwegian Survivors' Pension does have a guaranteed minimum level, irrespective of the deceased person's occupational activity or previous income. However, an insurance period of 40 years will normally be required in order to be entitled to the guaranteed minimum level.

In accordance with paragraph 1 of Article 60 of the ECSS, the benefit covers loss as a result of the death of the breadwinner. However, the benefit may in accordance with national laws and regulations be made conditional on the survivor (widow or widower) being presumed to be incapable of self-supported.

Paragraph 2 of Article 60 states that a reduction or suspension of the benefit may be made, if the income exceeds a prescribed amount.

According to Norwegian legislation, in cases where the survivor has attained the age of 55, there is no assessment of his/her capability for being self-supported. Only his/her actual income is taken into account. However, if the survivor is under the age of 55, such an assessment is made. In other words, for these survivors the benefit may be reduced, based on their capability for being self-supported, reflected in an actual or expected income.

The *entitlement* to the Norwegian survivors' benefit is not dependent on whether the survivor is incapable on being self-supported, which, however, could have been a legal exemption as pointed out in paragraph 1 of Article 60. The benefit is only *reduced*, which is a more generous solution than what is allowed by the Code.

As far as we can see, there is no conflict between Norwegian legislation and Norway's international obligations in this matter.

Survivors' benefit. Part IV of Convention No. 128, Article 23. Calculation of benefit. The Committee asks the Government to recalculate benefit for a standard beneficiary taking into account the following indications:

(a) Future period of insurance. The Committee notes that the method of calculation of the survivors' benefit follows that of the invalidity benefit and takes into account, in addition to the actual insurance period completed by the late breadwinner before death,

future expected periods of insurance (residency) and earning of pension points until the deceased breadwinner's 67th birthday. Consequently, the report gives examples of calculations based on the total qualifying period of 37 or 40 years, including the actual insurance period of 15 years, for the calculation of the standard benefit, and 27 and 32 years, including an actual insurance period of five years, for the calculation of the reduced benefit. The Committee observes that these examples do not follow the method of calculation prescribed by the Convention, inasmuch as the replacement rate of the survivors' benefit (basic pension, supplementary pension, children's pension) is calculated on the basis of the insurance period being much longer than the maximum qualifying period stipulated in Article 24 of the Convention for calculating the standard benefit under its paragraph 1 and the reduced benefit under paragraph 2. The replacement level of the survivors' benefit recalculated by the Committee for the standard beneficiary with only 15 years of actual insurance period will fall much below the level of 45 per cent of the skilled workers' wage required by Convention No. 128. The Committee notes in this respect that apparently, unlike the disability benefit, there is no guaranteed minimum level of the survivors' benefit in Norway.

(b) Income test. According to The Norwegian Social Insurance Scheme, January 2015 (p. 10), the survivors' pension is subject to an income test. If the surviving spouse has, or may be expected to get, an annual income exceeding 50 per cent of the B.a., the pension will be equal to the difference between a full pension and 40 per cent of the exceeding income. A surviving spouse under the age of 55 is expected to have an annual earned income of 2 B.a. (NOK 237 240). For a survivor without earned income, the pension will be reduced by NOK 85 406, unless the person concerned has a reasonable cause for not having any income. Survivors who are not employed at the time of death, are allowed a reasonable transitional period. The Committee recalls in this respect that Norway applies Part X (Survivors' benefit) of the ECSS to the wives and children of employees who shall be entitled, in accordance with Article 62 of the ECSS, as amended by the Protocol, to a prescribed benefit guaranteed without a means test or income test. However, Article 60(2) of the ECSS and Article 31 of Convention No. 128 permit to reduce the benefit, if contributory, where the earnings of the beneficiary exceed a Committee of Experts on the Application of Conventions and Recommendations Social security C102/C128/C130/C168 Norway prescribed amount, and, if non-contributory, where his earnings or other means or the two taken together exceed a prescribed amount. There are no provisions in the Convention or the ECSS which allow the reduction of the benefit in the case where the survivor is expected to have an annual earned income but actually has none. ***As the design of the survivors' benefit in Norway appears to be rather peculiar, the Committee asks the Government to explain to what extent the Norwegian survivors' benefit scheme complies with or makes use of these provisions of the Convention and which impact they have on the calculation of the replacement rate of the survivors' benefit for the standard beneficiary.***

Response from Norway:

As a part of the Norwegian pension reform, the benefits to survivors under the Norwegian National Insurance Scheme have been examined. 2 February 2017, a report on the matter was delivered by an Expert Committee. The Committee suggests modifications of the survivors' benefits for survivors under the age of 67. It is suggested that the current scheme should be replaced by a time limited benefit, given during an adjustment period, and with the requirement that the survivor is working, applying for work or undergoing education. The Committee furthermore suggests to phase out the special provisions which today may give survivors favourable Old-Age Benefit and Invalidity Benefit. The main proposals were adopted by the Norwegian Parliament, but has not yet been put into force, and it is uncertain when this will happen.

X – 5. Adjustment of benefits

See V - 5. Adjustment of benefits

cf. Article 29

Reference is made to Article 10 of C128.

Period under review	Cost-of-living index <1>	Earnings <2>	Standard benefit <3>
A) Beginning of period: 2022	125,9	512 400	402 876
B) End of period: 2023	131.9	540 720	450 329
C) Percentage A/B	95.4	94.7	89.4

<1> 2015 = 100 (Cost-of-living index. Source: Statistics Norway).

<2> Gross annual wage – reference is made to subparagraph 6a of Article 65 of the Code.

<3> Earnings and insurance period of 40 years. The benefit comprises: basic pension, supplementary pension, children's pension and the additional child benefit, based on the average Basic amount for the respective year.

X - 6. Qualifying period

§1(i) Article 1 ECSS, C128

The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

Article 63. ECSS

1. The benefit specified in Article 62 shall, in a contingency covered, be secured at least:
(a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
(b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
(a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
(b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that part for the standard beneficiary concerned is secured at least to a person protected whose

breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.
5. In order that a childless widow presumed to be incapable of self-support may be entitled to a survivor's benefit, a minimum duration of the marriage may be required.

Article 24. C128
1. The benefit specified in Article 23 shall, in a contingency covered, be secured at least:
(a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or ten years of residence: Provided that, for a benefit payable to a widow, the completion of a prescribed qualifying period of residence by such widow may be required instead; or
(b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number or the yearly number of contributions has been paid.
2. Where the survivors' benefit is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
(a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
(b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half of the yearly average number or of the yearly number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution, employment or residence but is less than 15 years of contribution or employment or ten years of residence; if such qualifying period is one of contribution or employment, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.
5. The requirements of paragraphs 1 and 2 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of contribution or employment which shall not be more than five years at a prescribed minimum age and may rise with advancing age to not more than a prescribed maximum number of years.

Benefits to Surviving Spouse

As a general rule, it is a requirement that the deceased was insured under the Norwegian National Insurance Scheme for at least five years immediately prior to the death, or was drawing a pension for a period of at least five years immediately prior to the death (without being insured under the Norwegian National Insurance Scheme). The requirement is waived if the death was caused by an occupational injury.

It is furthermore required that the surviving spouse (or cohabitant who previously has been married to or has children with the deceased) is insured under the Norwegian National Insurance Scheme. As a general rule, all persons legally residing in Norway, are mandatorily insured. Residence or work abroad are the only situations in which the

compulsory insurance will be terminated. This is in compliance with the Code, cf. subparagraph (a) of Article 68. See also Article 69 subparagraph (a) of C102 and Article 32 subparagraph 1 (a) of C128, which allows for suspension of the benefit as long as the person is absent from the territory of Norway.

Furthermore, the requirement that the survivor shall be insured for the granting of adjustment pension is waived if either the survivor or the deceased was resident in Norway for at least 20 years between the ages of 16 and 66. The requirement is also waived if the death was caused by an occupational injury.

Children's Pension

As a general rule, it is a requirement that the deceased was insured under the Norwegian National Insurance Scheme for at least five years immediately prior to the death, or was drawing a pension or disability benefit for a period of at least five years immediately prior to the death (without being insured under the Norwegian National Insurance Scheme). Furthermore, it is a general requirement that the child is insured under the Norwegian National Insurance Scheme.

As stated in Part XII of this report, all persons who reside in Norway[29], are mandatorily insured under the National Insurance Scheme. This applies to all groups, including widows, widowers and orphaned children.

As the Norwegian National Insurance Scheme is residence based, the typical reason why a person is insured under the Norwegian National Insurance Scheme is that he/she is resident in Norway. However, one will also be compulsorily insured under the Norwegian National Insurance Scheme while working in Norway and residing abroad. A reduced survivors' benefit would therefore indeed be payable to a standard beneficiary whose late breadwinner could justify five years of contribution or employment, but not residence in Norway. As regards the calculation in such a situation, reference is made to the example given under point X – 4 Level and Calculation of Benefit.

Remarks regarding the scheme prior to 1 January 2024

Article 24(1) (a). Length of qualifying period. According to The Norwegian Social Insurance Scheme, January 2015, a surviving spouse under 67, who has not started drawing on old-age pension and who is not entitled to a disability pension, is entitled to pension benefits if she herself is insured with entitlement to pension benefits and the deceased was insured. If the deceased had earned a supplementary pension, the surviving spouse is not required to be insured to be granted a corresponding basic pension. The condition that the survivor shall be insured for the granting of a basic pension is also waived if either the survivor or the deceased has been a resident in

[29] Exceptions apply for diplomatic agents and other posted workers, cf. Part XII.

Norway for at least 20 years. The Committee points out that the benefit under Part IV of the Convention is not conditioned upon the surviving wives and children being insured in their own right but is derived from the insurance rights of their deceased breadwinner accumulated after 15 years of contribution or employment, or ten years of residence. The Convention admits however that, for a benefit payable to a widow, the alternative condition may consist in the completion of a prescribed qualifying period of residence by such widow herself. If such condition is imposed by the national legislation, the Committee considers that the length of the qualifying period to be completed by the widow cannot be longer than the qualifying period prescribed for the breadwinner. Consequently, in order to comply with the Convention and the ECSS, the condition that the survivor shall be insured for the granting of a basic pension should be waived if the widow or her deceased breadwinner has been a resident in the country for at least ten years. ***Please explain to what extent the above conditions of entitlement to the survivors' benefit in the Norwegian legislation may be brought in line with the requirements of the Convention.***

Norway's response:

Reference is made to the above statement. We emphasize that the surviving spouse is entiteled to the benefit if he/she is insured under the Norwegian National Insurance Scheme and the length of the qualifying period for the survivor is not longer than the qualifying period prescribed for the spouse.

Article 24(2) (a). Reduced benefit. The Committee notes that the calculation of the reduced benefit is made "in the case of a standard beneficiary whose breadwinner has completed a period of 5 years of residence and 5 years of earning pension points". It points out that under Article 24(2)(a) of Convention No. 128 and Article 63(2) (a) of the ECSS, a reduced survivors' benefit shall be secured after the late breadwinner has completed five years of contribution or employment without any qualifying period of residence. ***Please indicate whether a reduced survivors' benefit would be payable to a standard beneficiary whose late breadwinner can prove five years of contribution or employment but no residence in Norway.***

Norway's response:

If the deceased had earned a supplementary pension, the surviving spouse is not required to be insured. In these cases, a corresponding basic pension is also granted. In order to earn supplementary pension the deceased must have earned income over the B.a. for five years.

X - 7. Minimum duration of Benefit

Article 64. ECSS

The benefit specified in Articles 62 and 63 shall be granted throughout the contingency.

Article 25. C128
The benefit specified in Articles 23 and 24 shall be granted throughout the contingency.

The adjustment allowance may be granted for three years immediately following the death of the spouse. The period may be prolonged with two years if the survivor attends education or is in need of labour market measures. If the survivor was born in 1963 or earlier, and has had little or no work related income, the adjustment allowance may be granted until he or she attains the age of 67. Surviving spouses born in 1970 or earlier, who was entitled to a survivors' pension at the time the reformed provisions came into effect, and who has had little or no work related income, may be granted the benefit until the beneficiary attains the age of 67. The surviving spouse will at age 67 be transferred to old-age pension if the conditions for old-age pension are met.

The children's pension may be granted until the child attains the age of 20.

Remarks regarding the scheme prior to 1 January 2024

Article 25 (duration of benefit) in conjunction with Article 33(1) (coordination of benefits). According to The Norwegian Social Insurance Scheme, January 2015, a surviving spouse will, at age 67, be transferred to old-age pension, and receive his/her personally acquired supplementary pension, or 55 per cent of the aggregated supplementary pension of both the survivor and the deceased, if this is more favourable. The Committee recalls that under the Convention, unlike the invalidity benefit which can be replaced by an old-age benefit, the survivors' benefit shall be granted throughout the contingency and cannot be limited by a prescribed age. In case the surviving spouse becomes entitled to an old-age benefit, which is another social security benefit provide for under Convention No. 128, she shall receive in total at least the amount of the most favourable benefit. ***Please explain how the rules for the coordination between social security benefits prescribed by Article 33 of the Convention, are observed in this case.***

Norway's response:

The old-age pension is calculated in the same way as a survivor's pension, and the transition to a retirement pension will therefore not reduce the benefit.

X - 8. Suspension of Benefit

Reference is made to Part XIII-1 of this report.

The payment of adjustment allowance will be stopped if the survivor (widow or widower) remarries or the survivor is cohabiting with a person he/she has (or have had) children with or a person he/she has previously been married to. The allowance will also cease if/when the beneficiary receives a full disability benefit, draws old-age pension or attains

the age of 67. The children's pension will cease if the child is adopted by a married couple etc., or if one spouse adopts the other spouse's child. In other adoption situations the child keeps the right to a pension, but the pension will be calculated on the basis of the B.a. The pension also ceases in the extent that the child is entitled to a disability benefit.

X - 9. Right of complaint and appeal

Article 34. C128
1. Every claimant shall have a right of appeal in the case of refusal of benefit or complaint as to its quality or quantity.
2. Procedures shall be prescribed which permit the claimant to be represented or assisted, where appropriate, by a qualified person of his choice or by a delegate of an organization representative of persons protected.

Reference is made to the information provided under Part XIII-2.

X - 10. Financing and Administration

Reference is made to the information provided under Part XIII-3.

The adjustment allowance is taxed as income from work.

Part XI. Standards to be complied with by periodical payments

Article 65. C102 and ECSS, Article 26. C128, Article 22. C130.

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be:

(a) a fitter or turner in the manufacture of machinery other than electrical machinery; or

(b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or

(c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent. of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or

(d) a person whose earnings are equal to 125 per cent. of the average earnings of all the persons protected.

7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.

10. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

Part	Contingency	Standard Beneficiary	Percentage
III	Sickness	Man with wife and two children	45
IV	Unemployment	Man with wife and two children	45
V	Old age	Man with wife of pensionable age	40
VI	Employment injury:		

	Incapacity of work	Man with wife and two children	50
	Invalidity	Man with wife and two children	50
	Survivors	Widow with two children	40
VIII	Maternity	Woman	45
IX	Invalidity	Man with wife and two children	40
X	Survivors	Widow with two children	40

Recourse is had to Article 65 of the Code, Article 65 of C102 and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2023, the average annual pay for male full-time employees in this cathegory was NOK 540 720.

Article 13 - Right to social and medical assistance. The European Social Charter.

Paragraph 1 – Adequate assistance for every person in need
Level of benefits
Regarding the level of social assistance during the reference period, Norway provide the following information:

The general objective of the Norwegian Social Assistance Scheme is to secure the subsistence of persons who do not have sufficient economic means to cover basic needs through work or by filing economic claims:

- Non-contributory scheme
- Subjective right, with discretionary elements
- Differential amounts
- No minimum level
- Complementary, provisional support
- Municipalities are legally obliged to provide social financial assistance. The claimant is guaranteed entitlement to the benefit if he or she satisfies the conditions laid down by law.

Social financial assistance is means-tested against all types of income and income support (salary from work, pensions, benefits and allowances). Children's own income from work is not included, as long as they are in school/education. From 1 September 2022 child benefit is also not included.

The law does not provide for a fixed amount of the minimum level of benefit, but provides that the benefit has to be set at a level which secures the claimant "a dignified life" or a "decent minimum". Government guidelines exist in this respect, defining the expenses for which support should be given and the reasonable monthly amounts for subsistence allowance, which stood at NOK 7 850 as of 1 January 2024 for a single

person. The level of benefits recommended in the guidelines is adjusted annually to reflect the increase in the cost of living.

Government guidelines on reasonable monthly amounts for subsistence allowance include only part of daily life expenses. Housing allowance, electricity and housing insurance, as well as healthcare and other individual expenses, are also taken into consideration when determining the amount of the financial assistance. The disbursement basis is therefore broader, and the general benefit level higher, than the guidelines on reasonable monthly amounts for subsistence allowance imply. The total average monthly amount of benefit for a typical all-year recipient of social assistance in 2022 was NOK 11 643 for a single man and NOK 11 218 for a single woman. These figures are the closest approximation to total monthly benefit payments that are statistically available, as all-year recipients of social assistance can be assumed to be largely dependent on social assistance alone.

The amounts are only given as an indication. In fact each situation is assessed separately, in order to adapt to the need of the individual, both on a regular basis or to cover exceptional additional costs in special circumstances (moving home, short-term loss of income, necessary upgrading of home equipment, etc).

As the social financial assistance is a last resort benefit, for most beneficiaries the specific benefit amount given are means-tested and reduced with other income and income support (this has been taken into account as regards the average benefit amounts presented above for all-year recipients).

For the same reason, the average monthly amounts of social financial benefit presented above are not directly comparable to income poverty thresholds, as these include all types of benefit and income sources.

A minority of the recipients (36 per cent in 2022) rely on social financial assistance as their main source of income. For the majority, social financial assistance is a supplementary top-up benefit.

In Norway, a number of public services, such as day-care, school, health and care services, are either free of charge or have a small user fee. This ensures the access to basic services and improves the situation for social assistance recipients and other low-income groups.

Financial assistance is not subject to taxation.

Government guidelines are annually adjusted in accordance with the rise in consumer prices. Social financial assistance is administered by the local Labour and Welfare Service. The guidelines on reasonable monthly amounts are not binding and the municipalities have the right and duty to examine each case individually. Evaluation is made on the basis of a written application and accompanying documentation. The office of the county governor is appeal body.

The Qualification Programme is a two-year long, fulltime programme with the objective to include more persons who are (or in risk of becoming) recipients of long-term financial assistance in work-oriented activities, while securing a minimum income for the applicants. Applicants must have severely diminished capacity for work, and the programme must be considered as necessary and relevant for a successful (re)employment of the applicant. Benefits from the National Insurance Scheme and benefits relating to earlier employment must have been exhausted. Participants are required to accept an offer of adequate employment at any time. Participants yearly receive a Qualification benefit equal to 2 B.a., i.e. NOK 248 056 (2/3 of this amount, i.e. NOK 165 371, for persons under the age of 25 years). In addition, a child supplement of NOK 36 is granted for each dependent child. The supplement is paid for five days a week. The participants may, in addition to the Qualification benefit, receive social financial assistance. The benefit is subject to taxation.

Part XII. Equality of treatment of non-national residents

§1(b) Article 1 C102, §1(e) Article 1 ECSS, §1(d) Article 1 C128 and C130

The term residence means ordinary residence in the territory of the Member and the term resident means a person ordinarily resident in the territory of the Member.

Article 68. C102

1. Non-national residents shall have the same rights as national residents: Provided that special rules concerning non-nationals and nationals born outside the territory of the Member may be prescribed in respect of benefits or portions of benefits which are payable wholly or mainly out of public funds and in respect of transitional schemes.

2. Under contributory social security schemes which protect employees, the persons protected who are nationals of another Member which has accepted the obligations of the relevant Part of the Convention shall have, under that Part, the same rights as nationals of the Member concerned: Provided that the application of this paragraph may be made subject to the existence of a bilateral or multilateral agreement providing for reciprocity.

Article 32. C130

Each Member shall, within its territory, assure to non-nationals who normally reside or work there equality of treatment with its own nationals as regards the right to the benefits provided for in this Convention.

In Norway, the term "resident" is defined differently for different legal purposes. For instance, the same definition does not apply for the purposes of the national registry, for tax purposes and for the purposes of the Norwegian National Insurance Scheme.

The explanations given below are limited to how the term "resident" is defined in the Norwegian National Insurance Act.

In the National Insurance Act (folketrygdloven) of 28 February 1997, Section 2-1 (which has not been amended since the adoption) reads as follows:

> ***"2-1. Persons resident in Norway***
>
> *Persons resident in Norway are compulsorily insured under the National Insurance Scheme.*
>
> *A person staying in Norway is regarded as resident in Norway if the stay is meant to last, or have lasted, at least 12 months. A person moving to Norway is regarded as resident from the date of entry.*
>
> *It is a requirement for insurance under the National Insurance Scheme that the person in question has a legal right to stay in Norway.*
>
> *In case of temporary absence from Norway, not meant to last more than 12 months, the person in question is still regarded as resident here. This, however, do not apply if the person in question is going to stay, or have stayed, abroad for more than six months a year for two or more consecutive years."*

As may be seen from paragraph 2, the central question is the length of the stay. A temporary stay in Norway, defined as a stay of less than 12 months, will not result in a status as resident for social insurance purposes. However, if the person concerned states that he/she is intending to stay in Norway for 12 months or more, provided that he/she may legally do so (cf. paragraph 3), he/she will be "... regarded as resident from the date of entry ..." and thus compulsorily insured under the National Insurance Scheme.

If the person initially intended to stay in Norway for a shorter period than 12 months, but nevertheless stays for 12 months or more, he/she will also be "… regarded as resident from the date of entry …" and thus insured under the National Insurance Scheme.

There is of course no requirement concerning nationality, cf. the neutral reference to "[p]ersons resident in Norway". Non-national residents have the same rights and obligations under the Norwegian National Insurance Scheme as national residents.

If the person concerned stays abroad for more than 12 months, or for more than six months a year for two or more consecutive years, he/she will no longer be regarded as resident in Norway, cf. paragraph 4. However, if the person concerned takes up paid work abroad, the compulsory insurance under the National Insurance Scheme will terminate immediately, cf. Section 2-14 of the National Insurance Act.

A person who does not meet the requirements for resident status, will be compulsorily insured under the Norwegian National Insurance Scheme if he/she is legally working in Norway or on permanent or movable installations on the Norwegian Continental Shelf. Such insurance applies from the first day of employment.

Persons staying on Svalbard (Spitsbergen), Jan Mayen, and the Antarctic and Sub-Antarctic dependencies (Bouvet Island, Peter I Island and Queen Maud Land) will also be compulsorily insured under the Norwegian National Insurance Scheme, provided that they are employed by a Norwegian employer or were insured under the National Insurance Scheme prior to their stay in these areas.

Citizens from EEA countries working on Norwegian ships, except hotel and restaurant staff on cruise ships registered in the Norwegian International Ship's Register, are compulsorily insured. Foreign (not EEA) citizens not resident in Norway or any other Nordic country, who are employed on ships in foreign trade, registered in the regular Norwegian Ship's Register, are compulsory insured only with regard to entitlement to occupational injury benefits and funeral grants. Persons of the same category, but employed on ships in the Norwegian International Ship's Register, are not compulsorily insured for any contingency.

Foreign citizens who are the paid employees of a foreign state or an international organisation are excluded from compulsory insurance under the National Insurance Scheme. Under specified conditions the same applies to persons with a short-term employment in the Realm and persons exclusively in receipt of pensions from abroad etc.

Persons who according to the abovementioned provisions are not insured, but are either staying in Norway or are staying outside of Norway and have been insured in Norway for at least three of the last five calendar years, and have close connections with the

Norwegian society, may apply for voluntary insurance under the National Insurance Scheme.

Norway has ratified bilateral social security agreements with the following countries: Austria, Australia, Bosnia & Herzegovina, Canada, Chile, Croatia, France, Greece, Hungary (Medical Care), India, Israel, Italy, the Republic of Korea, Luxembourg, Montenegro, the Netherlands, Portugal, Serbia, Slovenia, Switzerland, Turkey, the United Kingdom and the United States of America. An understanding with Quebec has also been concluded.

Moreover, there is a social security convention between the Nordic countries.

1 January 1994 the EEA Agreement entered into force. It applies for the EU countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden), and three of the EFTA countries (Iceland, Liechtenstein and Norway).

These agreements may extend or limit the provisions otherwise in force.

We believe that the provisions of the Norwegian National Insurance Act concerning equality of treatment of non-national residents are fully in compliance with the relevant Articles of ILO C102, C128 and C130, as well as ECSS.

Part XIII. Common provisions

XIII – 1. Suspension of benefit

Article 69. C102, Article 68. ECSS
A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed:
(a) as long as the person concerned is absent from the territory of the Member;
(b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;
(c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;
(d) where the person concerned has made a fraudulent claim;
(e) where the contingency has been caused by a criminal offence committed by the person concerned;
(f) where the contingency has been caused by the wilful misconduct of the person concerned;
(g) in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;
(h) in the case of unemployment benefit, where the person concerned has failed to make use of the employment services placed at his disposal;
(i) in the case of unemployment benefit, where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily without just cause; and
(j) in the case of survivors' benefit, as long as the widow is living with a man as his wife.

Article 31. C128
1. The payment of invalidity, old-age or survivors' benefit may be suspended, under prescribed conditions, where the beneficiary is engaged in gainful activity.
2. A contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary exceed a prescribed amount; the reduction in benefit shall not exceed the earnings.
3. A non-contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 32. C128
1. A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to IV of this Convention may be suspended to such extent as may be prescribed:
(a) as long as the person concerned is absent from the territory of the Member, except, under prescribed conditions, in the case of a contributory benefit;
(b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;
(c) where the person concerned has made a fraudulent claim;
(d) where the contingency has been caused by a criminal offence committed by the person concerned;
(e) where the contingency has been wilfully caused by the serious misconduct of the person concerned;
(f) in appropriate cases, where the person concerned, without good reason, neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries; and
(g) in the case of survivors' benefit for a widow, as long as she is living with a man as his wife.
2. In the case and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.

Article 33. C128
1. If a person protected is or would otherwise be eligible simultaneously for more than one of the benefits provided for in this Convention, these benefits may be reduced under prescribed conditions and within prescribed limits; the person protected shall receive in total at least the amount of the most favourable benefit.

2. If a person protected is or would otherwise be eligible for a benefit provided for in this Convention and is in receipt of another social security cash benefit for the same contingency, other than a family benefit, the benefit under this Convention may be reduced or suspended under prescribed conditions and within prescribed limits, subject to the part of the benefit which is reduced or suspended not exceeding the other benefit.

Article 28. C130
1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed:
(a) as long as the person concerned is absent from the territory of the Member;
(b) as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;
(c) where the person concerned has made a fraudulent claim;
(d) where the contingency has been caused by a criminal offence committed by the person concerned;
(e) where the contingency has been caused by the serious and wilful misconduct of the person concerned;
(f) where the person concerned, without good cause, neglects to make use of the medical care or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;

Article 20. C168
The benefit to which a protected person would have been entitled in the cases of full or partial unemployment or suspension of earnings due to a temporary suspension of work without any break in the employment relationship may be refused, withdrawn, suspended or reduced to the extent prescribed-
(a) for as long as the person concerned is absent from the territory of the Member;
(b) when it has been determined by the competent authority that the person concerned had deliberately contributed to his or her own dismissal;
(c) when it has been determined by the competent authority that the person concerned has left employment voluntarily without just cause;
(d) during the period of a labour dispute, when the person concerned has stopped work to take part in a labour dispute or when he or she is prevented from working as a direct result of a stoppage of work due to this labour dispute;
(e) when the person concerned has attempted to obtain or has obtained benefits fraudulently;
(f) when the person concerned has failed without just cause to use the facilities available for placement, vocational guidance, training, retraining or redeployment in suitable work;
(g) as long as the person concerned is in receipt of another income maintenance benefit provided for in the legislation of the Member concerned, except a family benefit, provided that the part of the benefit which is suspended does not exceed that other benefit.

Article 21. C168
1. The benefit to which a protected person would have been entitled in the case of full unemployment may be refused, withdrawn, suspended or reduced, to the extent prescribed, when the person concerned refuses to accept suitable employment.
2. In assessing the suitability of employment, account shall be taken, in particular, under prescribed conditions and to an appropriate extent, of the age of unemployed persons, their length of service in their former occupation, their acquired experience, the length of their period of unemployment, the labour market situation, the impact of the employment in question on their personal and family situation and whether the employment is vacant as a direct result of a stoppage of work due to an on-going labour dispute.

<u>General response from Norway:</u>
Regarding suspension of benefits, reference is made to the relevant paragraphs of Parts II to X of this report.

<u>"as long as the person concerned is absent from the territory of the Member"</u>
Reference is made to Part XII, concerning the personal scope of the Norwegian National Insurance Scheme. (As a general rule, all persons who are legally resident in Norway will be compulsorily insured under the Scheme.) Persons falling outside of the personal scope,

will no longer be compulsorily insured under the National Insurance Scheme. Termination of insurance does, however, not automatically lead to suspension of all benefits. This varies from benefit to benefit.

Sickness benefit, Child benefit and Unemployment benefit will normally not be paid to a person who is absent from the territory of Norway, irrespective of whether the person in question remains insured under the Norwegian National Insurance Scheme.

Medical care and maternity benefit are paid abroad as long as the person concerned is still insured under the Norwegian National Insurance Scheme.

Old-age benefit, Invalidity benefit and Survivors' benefit may under specified conditions be paid abroad. This applies not only to the contributory components of the benefits. For details, reference is made to Parts V, IX and X.

As stated above, Norway has established bilateral social security agreements with Austria, Australia, Bosnia & Herzegovina, Canada, Chile, Croatia, France, Greece, Hungary (Medical Care), India, Israel, Italy, the Republic of Korea, Luxembourg, Montenegro, the Netherlands, Portugal, Serbia, Slovenia, Switzerland, Turkey, the United Kingdom and the United States of America. An understanding with Quebec has also been concluded.

Moreover, there is a social security convention between the Nordic countries.

1 January 1994 the EEA Agreement entered into force. It applies for the EU countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden), and three of the EFTA countries (Iceland, Liechtenstein and Norway).

These agreements may extend or limit the provisions otherwise in force.

"as long as the person concerned is maintained at public expense or at the expense of a social security institution or service"

A pensioner who is maintained at public expense at a psychiatric institution, will have 86 per cent of his/her pension suspended from the fourth month following the month in which he/she was institutionalised. However, if the pensioner is supporting a spouse or children under the age of 18, the pension will not be suspended.

When pensioners are residing in municipal nursing homes, the municipalities may charge a fee of up to 75 per cent of the annual pension amount (and other income), which exceeds NOK 10 000. Of income in excess of 1 B.a. (NOK 124 028), the municipality may charge up to 85 per cent. The fee is, however, reduced if the pensioner has a spouse who still lives at home, or children under the age of 18.

Old-age pension is not suspended during a stay in a somatic hospital.

A pensioner who is serving a prison sentence, will have his pension suspended from the second month following the month in which the imprisonment started. However, if the pensioner supports children under the age of 18, 50 per cent of the pension will be paid out.

"where the person concerned has made a fraudulent claim"
If a reassessment of the case shows that the person concerned does not meet the requirements for entitlement to the benefit, the benefit will of course be terminated, irrespective of whether the incorrect information was given intentionally ("a fraudulent claim") or by mistake. This will not affect any future claim for the same benefit, if the person concerned should meet the requirements at a later stage.

However, in the case of unemployment benefit, if a person provides incorrect information, which he/she knows, or should know, may affect the entitlement to the benefit, the benefit may be temporarily suspended for 18 weeks. In the case of reoccurrence, the temporary suspension will last for 26 weeks. Cf. Part IV-13 Suspension of Benefit.

"as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity", "where the contingency has been caused by the wilful misconduct of the person concerned" or "where the contingency has been caused by a criminal offence committed by the person concerned"
The Norwegian National Insurance Act contains no provisions concerning the suspension of benefits in such cases.

"where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries"
Paragraph 2 of Section 21-8 of the National Insurance Act states that a benefit may be suspended if the recipient's actions may aggravate his or her health condition or prolong his or her incapacity to work. In order to suspend the benefit in accordance with this provision, the recipient should be aware that his or her actions may have such consequences. The benefit may also be suspended if the recipient without just cause refuses to make use of medical treatment or rehabilitation services placed at his or her disposal.

"in the case of unemployment benefit, where the person concerned has failed to make use of the employment services placed at his disposal" or "in the case of unemployment benefit, where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily without just cause" or "refuses to accept suitable employment"
If a person without reasonable ground is considered to be unemployed by his or her own choice, i.e. if he or she has given notice voluntarily, refused to take a suitable job or refused

to participate in labour market measures, the unemployment benefit may be temporarily suspended for 18 weeks. In the case of reoccurrence, the temporary suspension will last for 26 weeks.

The unemployment benefit may be refused or withdrawn during the period of a trade dispute, if the person concerned has stopped work to take part in a trade dispute or when he or she is prevented from working as a direct result of a stoppage of work due to this trade dispute.

Cf. Part IV–13 Suspension of Benefit.

"in the case of survivors' benefit, as long as the widow is living with a man as his wife"
The payment of survivors' benefits will be stopped if the survivor (widow or widower) remarries. The payment is also stopped if the survivor is cohabiting with a person he/she has (or have had) children with or a person he/she has previously been married to.

"the payment of invalidity, old-age or survivors' benefit may be suspended, under prescribed conditions, where the beneficiary is engaged in gainful activity"
The old-age pension of the Norwegian National Insurance Scheme may be drawn fully or partially. The drawing alternatives are 20, 40, 50, 60, 80 and 100 per cent. Work and pension may be combined, without deductions being made in the pension. If one continues to work, additional pension entitlement is earned, up to and including the year in which one attains the age of 75, even if one has already started drawing the pension.

The survivors' pension is income tested. If the surviving spouse etc. has an annual income exceeding 50 per cent of the Basic amount, the pension will be equal to the difference between a full pension and 40 per cent of the exceeding income.

A surviving spouse etc. under the age of 55 is expected to have an annual earned income of at least 2 B.a. (NOK 237 240). For a survivor without earned income, the pension will be reduced by NOK 71 172 unless the person concerned have a reasonable cause for not having any income. Survivors who are not employed at the time of death, are allowed a reasonable transitional period.

As regards disability benefit, reference is made to information provided under Part IX-9.

Additional information
When the disability benefit is awarded, a limit for additional income is determined. The limit equals the insured person's expected income after disability (if less than full), plus 0.4 B.a. If the person has a pensionable income above this limit, the benefit will be reduced proportionally. However, the degree is not redetermined.

As stated above, Norway has established bilateral social security agreements with

Austria, Australia, Bosnia & Herzegovina, Canada, Chile, Croatia, France, Greece, Hungary (Medical Care), India, Israel, Italy, The Republic of Korea, Luxembourg, Montenegro, the Netherlands, Portugal, Serbia, Slovenia, Switzerland, Turkey, the United Kingdom and the United States of America. An understanding with Quebec has also been concluded.

Moreover, there is a social security convention between the Nordic countries.

1 January 1994 the EEA Agreement entered into force. It applies for the EU countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden), and three of the EFTA countries (Iceland, Liechtenstein and Norway).

These agreements may extend or limit the provisions otherwise in force.

XIII – 2. Right of complaint and appeal

Article 70. C102, Article 69. ECSS
1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.
2. Where in the application of this Convention (Code) a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.
3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.

Article 34. C128
1. Every claimant shall have a right of appeal in the case of refusal of benefit or complaint as to its quality or quantity.
2. Procedures shall be prescribed which permit the claimant to be represented or assisted, where appropriate, by a qualified person of his choice or by a delegate of an organization representative of persons protected.

Article 29. C130
1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.
2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

Article 27. C168
1. In the event of refusal, withdrawal, suspension or reduction of benefit or dispute as to its amount, claimants shall have the right to present a complaint to the body administering the benefit scheme and to appeal thereafter to an independent body. They shall be informed in writing of the procedures available, which shall be simple and rapid.
2. The appeal procedure shall enable the claimant, in accordance with national law and practice, to be represented or assisted by a qualified person of the claimant's choice or by a delegate of a representative workers' organisation or by a delegate of an organisation representative of protected persons.

Free and convenient access to relevant legal and factual information is necessary in order to assess one's position and in order to determine whether one may qualify for a certain benefit and, if the benefit is refused or not granted with the expected amount, in order to determine whether to lodge a complaint or appeal.

The access to and use of Internet resources is widespread in Norway. According to data published by the World Bank, 99 per cent of the Norwegian population were Internet users in 2022.
(https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=US&name_desc=false).

All Norwegian legislation is available, free of charge, at the Lovdata website: http://www.lovdata.no.

The legislation pertaining to social insurance and accompanying administrative guidelines, as well as the relevant international social security coordination instruments (including bilateral social security agreements) ratified by Norway, may also be found at the Norwegian Labour and Welfare Administration's website: http://www.nav.no. At this site, persons insured under the Norwegian National Insurance Scheme may also log in and find information concerning their pending and on-going social insurance cases, calculate their future pension, fill out forms and submit them electronically to the Norwegian Labour and Welfare Administration, etc. They may also lodge their complaints and appeals electronically.

In addition, anyone (persons insured under the National Insurance Scheme and others) are entitled to free information and advice when they contact the offices of the Labour and Welfare Administration. This right is enshrined in Section 15 of the Labour and Welfare Administration Act of 16 June 2006 and Section 11 of the Public Administration Act of 10 February 1967.

According to Section 18 of the Public Administration Act of 10 February 1967, the claimants are generally entitled to familiarise themselves with all the documents in their files. They will in practice be given free copies of the documents upon request.

When the Norwegian Labour and Welfare Administration informs a claimant of a decision, information concerning the right to appeal is automatically enclosed.

If the person concerned lodges an appeal, the matter will initially be re-evaluated by the office which made the original decision. If they do not find any reason to change their decision, they will forward the matter to the Labour and Welfare Administration's internal Appeals Offices. If the Appeals Offices also uphold the decision, the person concerned will be informed that the matter may be appealed further, to the National Insurance Court of Appeal, which is a separate body, independent of the Labour and

Welfare Administration, cf. the National Insurance Court of Appeal Act of 16 December 1966 (https://lovdata.no/dokument/NL/lov/1966-12-16-9).

The decisions of the National Insurance Court of Appeal may be brought before the ordinary courts of justice.

All appeals up to and including appeals to the National Insurance Court of Appeal, are free of charge.

If the appeal results in a change in the original decision, to the benefit of the person concerned, expenses for necessary legal assistance will be covered by the Labour and Welfare Administration. Irrespective of the outcome of the appeal, means tested free legal aid may be granted.

According to Section 12 of the Public Administration Act of 10 February 1967, a claimant has the right to be represented or assisted by an attorney or any other representative (e.g. family member, friend, trade union representative) at any stage of an appeal process. However, the appeal process within the Labour and Welfare Administration and in the National Insurance Court of Appeal is, as a general rule, solely based on examination of documents, with no oral argument procedure. The attorney or other representative will therefore normally only assist the claimant in preparing and submitting the appeal documents. The person concerned may also demand the assistance of the Labour and Welfare Administration in this respect. An appeal may be lodged orally to a civil servant of the Labour and Welfare Administration, who will then draw up a written appeal.

Prompt rendition of justice is crucial. The National Insurance Court of Appeal handles more than 5,100 cases per year (2023), with an average processing time of 13.3 months.

In addition to the possibility of lodging appeals concerning decisions made by the Labour and Welfare Administration, one may also complain about the service one has received. If a claimant feels that he or she has not received the necessary information or assistance, that the processing of the case has taken too long etc., a formal complaint may be lodged with *NAV Serviceklage*, which is a specialised agency within the Norwegian Labour and Welfare Administration.

Furthermore, complaints may be lodged with the Parliamentary Ombudsman *("Sivilombudet")*. The Parliamentary Ombudsman supervises public administration agencies. Supervision is carried out on the basis of complaints from citizens concerning any perceived maladministration or injustice on the part of a public agency. The Parliamentary Ombudsman processes complaints that apply to central government, county or municipal administrations. The Ombudsman may also address issues on his own initiative. Making a complaint to the Ombudsman is free of charge. Further information may be found on the following website:
https://www.sivilombudet.no/

XIII – 3. Financing and Administration

Article 71. C102, Article 70. ECSS
1. The cost of the benefits provided in compliance with this Convention (Code) and the cost of the administration of such benefits shall be borne collectively by way of insurance contributions or taxation or both in a manner which avoids hardship to persons of small means and takes into account the economic situation of the Member (Contracting Party) and of the classes of persons protected.
2. The total of the insurance contributions borne by the employees protected shall not exceed 50 per cent of the total of the financial resources allocated to the protection of employees and their wives and children. For the purpose of ascertaining whether this condition is fulfilled, all the benefits provided by the Member (Contracting Party) in compliance with this Convention (Code), except family benefit and, if provided by a special branch, employment injury benefit, may be taken together.
3. The Member (Contracting Party) shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention (Code), and shall take all measures required for this purpose; it shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question.

Article 30. C128
National legislation shall provide for the maintenance of rights in course of acquisition in respect of contributory invalidity, old-age and survivors' benefits under prescribed conditions.

Article 35. C128
1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

Article 36. C128
Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.

Article 30. C130
1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

Article 31. C130
Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature:
(a) representatives of the persons protected shall participate in the management under prescribed conditions;
(b) national legislation shall, where appropriate, provide for the participation of representatives of employers;
(c) national legislation may likewise decide as to the participation of representatives of the public authorities.

Article 28. C168
Each Member shall assume general responsibility for the sound administration of the institutions and services entrusted with the application of the Convention.

Article 29. C168
1. When the administration is directly entrusted to a government department responsible to Parliament, representatives of the protected persons and of the employers shall be associated in the administration in an advisory capacity, under prescribed conditions.

2. When the administration is not entrusted to a government department responsible to Parliament -
(a) representatives of the protected persons shall participate in the administration or be associated therewith in an advisory capacity under prescribed conditions;
(b) national laws or regulations may also provide for the participation of employers' representatives;
(c) the laws or regulations may further provide for the participation of representatives of the public authorities.

The main general social insurance schemes in Norway are the National Insurance Scheme, the Child Benefit Scheme and the Scheme for Cash Benefit for Families with Small Children.

There is also a means-tested Supplementary Allowance Scheme, which is not part of the National Insurance Scheme. The Supplementary Allowance is not a social insurance benefit. The purpose of the scheme is to guarantee a minimum income for persons who have attained the age of 67 and who do not have sufficient old-age pension or other economic means.

THE NATIONAL INSURANCE SCHEME'S BENEFITS

Persons insured under the National Insurance Scheme are entitled to old-age pension, survivors' pension, disability benefit, basic benefit and attendance benefit in case of disablement, technical aids etc., work assessment allowance, occupational injury benefits, benefits to single parents, cash benefits in case of sickness, maternity, adoption and unemployment, medical benefits in case of sickness and maternity and funeral grant.
Many benefits from the National Insurance Scheme are determined in relation to a basic amount (B.a.). This amount is annually adjusted by the King with effect from 1 May, in accordance with the increase in wages. In 2024, the average B.a. is NOK 122 225 and the B.a. per 1 May 2024 is NOK 124 028.

FINANCING OF THE NATIONAL INSURANCE SCHEME

The National Insurance Scheme is financed by contributions from employees, self-employed persons and other members, employers' contributions and contributions from the state. Contribution rates and state grants are decided by the Parliament.
The following benefits are financed by contributions from the state only: Lump sum grants in case of maternity and adoption, grants to improve the functional ability of daily life, basic benefit, attendance benefit, guaranteed supplementary pension for persons disabled at birth or early in life, educational benefits, child care benefits, transitional benefits for survivors and single, divorced and separated supporters, benefits for surviving family nurses, means-tested funeral grants and advance payments of maintenance payment for children that exceed the reimbursement from the person liable.
Contributions from employees and self-employed persons are calculated on the basis of pensionable income. Contributions are not paid on pensionable income which does not exceed NOK 69 650. The contributions shall not exceed 25 per cent of income exceeding this threshold amount.

Contributions are also paid on the basis of received cash benefits in the case of sickness, maternity and unemployment, work assessment allowance and benefits to single parents.

In 2024, the contribution rate for employees is 7.8 per cent of the pensionable income (gross wage income). The contribution rate for a self-employed person is 11 per cent of the pensionable income (income from self-employment). The contribution rate for other kinds of personal income (pensions etc.) is 5.1 per cent.

The employers' contribution is assessed as a percentage of paid out wages. The employers' contributions are differentiated according to where the enterprises are established. There are regional zones based on the geographical situation and level of economic development. The employers' contribution rates in these zones vary from 0.0 per cent to 14.1 per cent.

THE CHILD BENEFIT SCHEME AND THE SCHEME FOR CASH BENEFIT FOR FAMILIES WITH SMALL CHILDREN

The child benefit and the cash benefit for families with small children are financed over the State Budget (i.e. from taxes).

THE SUPPLEMENTARY ALLOWANCE SCHEME

Supplementary allowance is granted according to an act of 29 April 2005. As a main rule, the National Insurance Scheme covers all residents of Norway. In order to be eligible for an old-age pension equal to the minimum pension level (guaranteed pension) based solely on residence, one must have resided in Norway for 40 years before the age of 67.

Those who have lived in Norway for a shorter period may not qualify for a pension that is adequate to live on. Persons who have attained the age of 67, who resides in Norway and who do not have sufficient pension or other financial means due to the fact that they have less than 40 years of residence in Norway, are guaranteed a minimum income from the supplementary allowance scheme.

The maximum amount of the allowance for this group is as per 1 January 2024 NOK 227 472 per year for single recipients and recipients with spouse or cohabitant under 67 years of age. For each of the spouses/cohabitants when they both have reached the age of 67 years, and for a recipient who is sharing residence with his or her adult children or other adults, even when the relationship between them is not defined as similar to marriage (shared household), the maximum amount is NOK 210 420. With effect from 1 January 2021, the scheme has been extended to include disabled refugees who, due to their short period of residence in Norway, are not entitled to the minimum annual disability benefit.

In order for a disabled refugee to be included in the supplementary allowance scheme, it is required that the person in question has had his or her claim for disability benefit processed and that it has been concluded that the National Insurance Act's conditions for entitlement to disability benefit have been met, with the exception of the requirement concerning prior insurance periods. As of 1 January 2024, the maximum amount of the

allowance for this group is NOK 294 180 per year for single recipients, and recipients with a spouse under 67 years of age, who is not a disabled refugee. For all others, the maximum amount of the allowance is NOK 270 456.

The allowance is subject to a strict means test and is reduced if the person or his/her spouse or cohabitant has other income from work or capital assets or Norwegian or foreign pensions or disability benefits. The allowance is not granted if the applicant has capital assets in excess of 0.5 B.a. (NOK 62 014).

The recipient cannot stay abroad for more than 90 days per 12 month period without losing his/her entitlement to the benefit.

The allowance is supplementary in relation to the ordinary pension and disability benefits of the general National Insurance Scheme. This excludes persons who are receiving benefits from National Insurance Scheme equal to the level of the minimum old-age pension or the minimum annual disability benefit, or higher.

TAXATION OF SOCIAL SECURITY BENEFITS

Benefits from the National Insurance Scheme are taxable income, and is as a main rule taxed according to the same provisions as income from work, except for the lump-sum grants and the benefits in kind. However, special tax provisions ensure that pensioners and recipients of some other benefits are paying less tax than wage earners. These provisions ensure that a number of the minimum benefits of the National Insurance Scheme are exempted from income tax. On the other hand, the so-called minimum deduction is slightly lower for pensions than for income from work.

For persons receiving survivors' pension, as well as for single parents receiving transitional benefits, a tax limitation provision ensures lower or no taxes for persons with low income and low wealth. As a result of this provision, income approximately equal to the level of the minimum pension is exempted from tax. Income in excess of this amount, including a wealth addition, is taxed at a rate of 55 per cent, so that the advantage is scaled down until it becomes more beneficial to be taxed according to the ordinary provisions on taxation of pensioners.

Old-age pensioners are entitled to a special tax deduction. This deduction ensures that pensioners with only a minimum pension are not liable to pay tax. The effect of the deduction is gradually reduced for pensioners with higher pensions. The supplement for pensioners supporting a spouse is tax free.

The disability benefit and the work assessment allowance are taxed as income from work. In addition to the special tax provisions, old-age pensioners and recipients of survivors' benefits are liable to pay a lower National Insurance contribution than employees etc.
Child benefits and cash benefits for families with small children are not taxable income.

The children's pension is not taxable until the year after the child attains the age of 17 years.

Pensioners who have moved abroad are taxed according to Norwegian legislation concerning taxation at source. The tax rate is set to 15 per cent. Some of the bilateral treaties for the avoidance of double taxation and the prevention of fiscal evasion, which Norway has established with other countries, stipulate that pensions may only be taxed in the country of residence. In such cases, the pensioner will not be liable to pay taxes according to the Norwegian provisions concerning taxation at source.

Article 72. C102, Article 71. ECSS
1. Where the administration is not entrusted [to an institution regulated by the public authorities or – C102] *to a Government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide as to the participation of representatives of employers and of the public authorities.*
2. The Member (Contracting Party) shall accept general responsibility for the proper administration of the institutions and services concerned in the application of the Convention (Code).

ACTUARIAL STUDIES AND CALCULATIONS CONCERNING THE FINANCIAL EQUILIBRIUM

Actuarial studies and calculations concerning the financial equilibrium of the Norwegian National Insurance Scheme are not carried out on a periodical basis. This is due to the fact that the National Insurance Scheme never was intended to be fully self-financed. The difference between what is paid out from the Scheme in the form of pensions and other benefits, and what is paid into the Scheme in the form of contributions from the insured and the employers, is covered by the State grant.

Reference is made to of Article 71 of C102 and Article 70 of ECSS, which state that the Member (Contracting Party) "… shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question." (Reference is in particular made to the underscored parts of this provision.)