The Author	3
List of Abbreviations	29
Register of Acts, Regulations, International Conventions and Bilateral Agreements, EU Directives and Regulations	35
Preface	41
Preface General Introduction Chapter 1. General Background	43
Chapter 1. General Background	43
§1. GENERAL DESCRIPTION OF NORWAY	43
§2. Geography	43
§3. CULTURAL COMPOSITION – LANGUAGE	44
§4. International Relations	45
§5. POLITICAL SYSTEM I. Parliament (Stortinget) II. Political Parties	46 46 47
§6. ADMINISTRATION I. The Central Administration II. The Counties III. Local Administration IV. Administrative Procedure	48 48 49 49 50
§7. OMBUDSMEN I. The Ombudsman for Civil Administration, Ombudsman for the Armed Forces and Parliamentary Ombudsman for the Civilian National Service	51 51
II. Other Ombudsmen	52

7

 A. The Equality and Anti-discrimination Ombudsman B. The Consumer Ombudsman C. The Children's Ombudsman D. The Patients Ombudsman E. Student Ombudsmen 	52 53 53 53 53
§8. BOARDS, COUNCILS AND COMMITTEES	53
§9. THE COURT SYSTEM I. Survey II. The Supreme Court (<i>Høyesterett</i>) III. The Courts of Appeal IV. The Courts of First Instance V. The Conciliation Council VI. Arbitration VII. Right to Appeal VIII. Independence of the Courts IV. Special Courts Administrative Region etc.	55 55 55 55 55 56 56 56
VII. Right to Appeal VIII. Independence of the Courts IX. Special Courts, Administrative Bodies, etc. X. The Labour Court and Other Courts Dealing with Labour Law Cases §10. Some VITAL STATISTICS I. Composition of the Population	57 58
X. The Labour Court and Other Courts Dealing with Labour Law Cases §10. SOME VITAL STATISTICS I. Composition of the Population II. The Total Workforce III. Some Main Branches IV. Immigration V. Asylum Seekers and Refugees VI. Full-time and Part-time Work – Men and Women VII. Unemployed VIII. Public Administration	58 58 59 59 59 60 60 61
§11. THE RELATIONSHIP BETWEEN THE PRIVATE AND THE PUBLIC SECTORS	62
§12. Underlying Social and Cultural Values of Society and Their Effect on Freedom of Association, Discrimination, Guaranteed Income, etc.	63
Chapter 2. Definitions and Notions	66
 §1. DEFINITION OF LABOUR LAW – WHAT IT COMPRISES I. The Difficulties in Defining Labour Law – a Functional Approa II. The Relation between Labour Law and Other Branches of Law A. The Relation to Private Law 1. Contract Law 2. The Law of Associations 	

3. The Law of Companies	68
4. Other Private Law Aspects	68
B. The Relation to Public Law	68
1. Labour Exchange, including Labour Life, Immigration	
and Work Permits, etc.	69
2. Security at Work, Working Environment, etc.	69
3. Social Security, etc.	69
C. The Relation to International Law	69
D. The Relation to Constitutional Law	70
E. The Relation to the Law on Court Proceedings	70
F. The Relation to Penal Legislation	71
G. Summing up	71
§2. THE RELATION BETWEEN LABOUR LAW AND THE LAW	
ON SOCIAL SECURITY AND WELFARE	72
I. Definition of the Law on Social Security and Welfare	
and what the Law on Social Security and Welfare Comprises	72
II. The Law on Social Security and Welfare as the Eackground	, _
for Labour Law Agreements and Arrangements	72
A. The Law on Social Security and Welfare and the	12
Prevention of Misfortune	73
B. The Law on Social Security and Welfare and Efforts to	73
Achieve Full Employment	73
C. The Law on Social Security and Welfare and the	13
Strengthening of Trends in a Desired Direction	74
D. Interaction between Labour Law and the Law on Social	/+
Security and Welfars	75
E. The Basic Amount of the Law on Social Security and	13
Welfare Welfare	76
	76 76
F. Summing up	70
§3. DEFINITION OF CABOUR LAW AND OF CONCEPTS WHICH ARE MOST	
FREQUENTLY USED: EMPLOYEE, EMPLOYER, ENTERPRISE, ETC.	77
I. The Employment Relation – Some Introductory Remarks	77
II. Basis of the Employment Relationship	78
A. The Employment Contract	78
B. Members of Parliament, Members of County Councils,	70
Mayors, etc.	78
C. Work Carried out by Prisoners in Prisons	78 78
D. Work Carried out Based on Membership of an Association	78 78
	70
E. Owners of Enterprises, Elected Members of the Company	70
Board, Shareholders, etc. F. The Significance of the Purpose and the Period of Time	79
6	00
Spent on Work Activities	80
G. Work Carried out by Family Members	80
H. Work Carried out as an Au Pair	80
I. Nuns, Monks, Priests and Salvation Army Officers	81

	J.	Pupils, Persons on Compulsory Military Service,	
		Prisoners, Patients at Health Institutions, etc.	82
	K.	Enterprises that Have no Employees	82
III.	The	e Collective Agreement – Introductory Remarks	83
		e Term 'Employee'	83
		e Term 'Employer'	86
VI.		e Term 'Employer' when a Company is Part of a Group of	
		mpanies	88
		Introduction	88
		Considerations	88
		Proposed Legislation and Summing up Case Law	91
		naging the Enterprise on behalf of the Employer	92
		e Term 'Enterprise'	92
IX.		e Management Prerogative	93
		Introductory Remarks	93
	В.	The state of the s	94
	C.	Alteration of Long-Lasting Practice and Streamlining	0.4
	Ъ	Conditions for all Employees	94
	D.	Alteration of Pension Schemes, etc.	95
		Non-discrimination	97 97
	F.	Protection against Discrimination Employee Co-determination	97 97
	Н.	± •	98
	п. I.	Instructions Regarding Behaviour at Work, etc.	98 98
	J.	Safety Standards and Control Measures	99
		Working Hours, etc.	100
	L.	The Legal Nature of the Management Prerogative and	100
	ъ.	the Court's Re-examination and Re-assessment – Basics	
		and Limitations	100
	M.	The Management Prerogative – Agreed Extensions and	100
		Limitations • \	101
X.	Em	ployer Responsibilities for other than his/her Own Employees	103
		Presentation of the Problem and Basic Starting Points	103
		1. Hired Employees	104
		2. Formally Recognized as Self-employed (Independent	
		Contractors) – Employees in Reality	108
		3. Self-employed/Independent Contractors who in	
		Reality Are Not Employees	109
		4. Organization of the Employer's Own Enterprise	109
		5. Obligation to Cooperate with Other Companies to	
		Ensure a Fully Satisfactory Working Environment	110
		6. Group of Companies – Company Relations	110
		7. The Client Requires That the Contractor Shall Make	
		Specific Arrangements in relation to the Contractor's	
		Employees	110

Chapte	er 3. Labour Law – Special Characteristics, Challenges and Perspectives	112
	changes and respectives	
	BOUR LAW – SPECIAL CHARACTERISTICS Mandatory Legislation	112 112
	A Certain Collective Freedom to Renounce Mandatory	
	Legislation by Collective Agreement	112
III.	Penalties	112
IV.	The Collective Element	113
V.	Human Factors – Employees Are Human Beings	113
VI.	Involvement of Public Authorities	114
§2. Lae	BOUR LAW – SOME CHALLENGES	114
	Often Politically Controversial Reforms	114
	A Dynamic Part of the Law	115
	Labour Law Reforms – Expectations and Concerns in	
	Practical Labour Life	115
IV.	Implementing Reform into Practical Labour Life	116
62 T.E	DED OPERATION OF THE OP	116
	BOUR LAW – PERSPECTIVES	116
1.	The Superior Position of Employers and the Subordinate	
	Position of Employees – Perspectives in the	116
	Knowledge-based Society A. Points of Departure	116
	B. The Basic Tension and Dilemma – the Principle of	110
	B. The Basic Tension and Dilemma – the Principle of Equality between Persons	116
	C. Easing the Subordinate Nature of the Employment	110
	Relationship – Employee Co-determination and Corporate	
	Democratization	117
	D. The Subordinate Nature of the Employment Relationship	11/
	and the Knowledge-based Hi-tech Labour Life	117
II	Building on and Developing further the Principle of	11/
11.	Collaboration vs. Confrontation	118
	A. General Remarks	118
	B. The Principle of Collaboration on the Collective Level	118
	C. The Principle of Collaboration at the Individual	110
	Enterprise Level	118
	D. The Principle of Collaboration and the Principle	110
	of Confrontation and Open Labour Conflict	118
	E. The Principle of Collaboration and Relation to	110
	Public Authorities	119
	The Principle of Collaboration, Mandatory	117
	Legislation, Internal Control, the Labour Inspectorate, etc.	119
	2. The Principle of Collaboration and Three-party	-1/
	Arrangements	119
III.	Use of 'Quasi-collective' Agreements for Groups Other than	
	Employees	120

 IV. Interaction between Regulation by Collective Agreement and Regulation by Law V. Competing Trade Unions – New Constellations VI. The Relationship between Trade Unions and Their Members VII. The Collective Labour Law Perspective 	122 122 123 126
Chapter 4. Historical Background	128
Chapter 5. Role of Government Institutions in the Shaping and Administration of Labour and Industrial Relations Policy	131
Relations Foncy	131
§1. Introduction	131
§2. Workplace, etc.	132
§3. SAFETY CONSIDERATIONS AND WELFARE CONSIDERATIONS	
CONNECTIONS AND DIFFERENCES	132
29.	
§4. Supervision and Collaboration	132
§5. Prior Agreements given by the Public Supervisory	
AUTHORITIES REGARDING THEIR ADMINISTRATIVE POWERS	133
§6. Welfare Considerations – the Collective Freedom of	
DISPOSITION	134
I. Working Hours	135
II. Holiday With Pay Act (of 29 April 1988 No. 21)	136
III. Act Relating to 1 and 17 May as Official National	
Holidays (of 26 April 1947)	136
IV. The Former Act Concerning Employment Conditions for	
Teachers in Upper Secondary Schools (Repealed by Act of 11 June 1993, No. 30)	136
V. The Former Act of 27 June 1947 as Regards Placing and	130
Engagement of Seamen (Repealed by Act of 12 December	
1988, No. 77)	136
§7. Collective Agreements	137
I. The Traditional Position	137
II. Current Legislation	137
III. The Economic Effects of a Collective Wage Payment Settlement	138
IV. The Need for Collaboration between Public Authorities,	
Trade Unions and Employers' Associations - the Organization of	
Collaboration	139
V. Coordination and the Right to Negotiate	139

	VI. Relations between the Public Authorities and the	
	Free-standing Organizations	140
	VII. Compulsory Arbitration	140
§8.	THE INDIVIDUAL CONTRACT OF EMPLOYMENT	141
	I. Different Forms of Encroachment by Public Authorities	141
	A. Apprentices	141
	B. Seamen	143
	C. Contracts of Employment That Require Approval from Public	
	Authorities	143
	D. Public Statements	143
	E. Contracts That Are to be Submitted to Public Agencies	144
§9.	PROVISIONS CONCERNING APPLICATION OF CONDITIONS PURSUANT TO COLLECTIVE AGREEMENTS REGARDING EMPLOYEES WHO ARE	
	NOT LEGALLY BOUND BY THE COLLECTIVE AGREEMENT	144
Ch	INTERNATIONAL CONVENTIONS, ETC. L. Basic Position	147
§1.	Introduction	147
§2.	International Conventions, etc.	147
	I. Busic I osition	147
	II. The Relationship between International Law Commitments in	
	International Conventions and Norwegian National Law	149
	III. The Significance of Legal Crinions Expressed by the EFTA Court	151
	IV. International Recommendations	152
0.2	T	1.50
§3.	LEGISLATION	152
6.4	Draw Amova	154
94.	REGULATIONS	154
85	COLLECTIVE AGREEMENTS	154
85.	I. Introduction	154
	II. Characteristics of the Collective Agreement	155
	ii. Characteristics of the Concentre Agreement	133
§6.	THE INDIVIDUAL EMPLOYMENT AGREEMENT	155
§7.	STAFF RULES	156
60	Courtes I and Ann Drugger	150
88.	COMMON LAW AND PRACTICE	156
§9.	CASE LAW	157
Ch	apter 7. International Private Labour Law, Conflicts of	
	Law, Choice of Law	158

§1.	ISSUES CONCERNING EMPLOYMENT CONTRACTS INVOLVING	150
	MORE THAN ONE COUNTRY – LEGAL SOURCES	158
	I. Introduction II. The Complexity of International Labour Polationships	158 159
	II. The Complexity of International Labour Relationships	
	III. The Importance of Establishing Who the Employer Is	160
	IV. Choice of Law and Choice of Jurisdiction Agreements –	161
	Advantages, Hesitations and Restrictions	101
	V. Jurisdiction and Choice of Law as Regards Legislation of a Public Nature	164
	ruone nature	104
§2.	JURISDICTION OF NORWEGIAN COURTS	164
§3.	CHOICE OF LAW	171
	I. The Employment's Closest Ties	171
	II. No Single Criterion Decisive	171
	III. Objective and Subjective Factors	172
	IV. Agreements on Choice of Law	172
	V. Considerations behind the Connecting Factors	174
	A. Place of Contract	174
	III. Objective and Subjective Factors IV. Agreements on Choice of Law V. Considerations behind the Connecting Factors A. Place of Contract B. Citizenship C. Domicile D. Significance of the Work Place VI. Precedents VII. Summary of Precedents VIII. Evaluation of Precedents IX Misgivings about Preferring Narryegian Law to Foreign Law	175
	C. Domicile	175
	D. Significance of the Work Place	176
	VI. Precedents	178
	VII. Summary of Precedents VIII. Evaluation of Precedents	182 182
	IX. Misgivings about Preferring Norvegian Law to Foreign Law	183
	X. Rules That Apply According to the Rules on Choice of Law	184
	XI. Procedural Issues Regarding Actions before Norwegian	104
	Courts on Unfair Notice or Wrongful Dismissal where	
	Foreign Law is Applicable	184
	Toronga Zaw is rapplicated	10.
Pa	rt I. The Individua! Employment Relation	187
Ch	apter 1. Definitions and Notions	187
81	SIGNIFICANCE FOR NORWEGIAN INDIVIDUAL LABOUR LAW	187
		107
§2.	THE DIFFERENT CATEGORIES OF EMPLOYEE (BLUE-COLLAR,	
	WHITE-COLLAR, COMMERCIAL TRAVELLERS, SEAMEN, STUDENT	
	WORKERS, ETC.)	187
§3.	EMPLOYMENT CONTRACTS FOR AN INDEFINITE PERIOD	189
§4.	TEMPORARY EMPLOYMENT CONTRACTS	189
	I. General Principles of Temporary Employment	189
	II. Requirement for Written Agreements	191

Table of Con	ntents
III. The Nature of the Work, etc.	191
IV. No Qualified Applicants	197
V. Officiating in Other Positions	198
VI. On-call Agreements	198
VII. Trainee Work	199
VIII. Work as a Substitute	200
IX. Labour Market Creation Programmes	201
X. Fixed-term Appointment of the Chief Executive of the Company XI. Fixed-term Employment as a Result of an Agreement with a	201
Foreign State or International Organization	201
XII. Athletes, Trainers, Referees, etc.	202
XIII. Collective Agreements concerning Temporary Employment	202
XIV. Termination of Temporary Employment Contracts	202
XV. Termination of a Temporary Employment Contract which	
Lasts beyond Four Years	204
,	
§5. Legal Proceedings	204
I. Legal Proceedings when the Employee has Resigned	204
II. Legal Proceedings when the Employee has not Resigned	205
III. Legal Proceedings when the Employee Resigns after a	
Dispute has Arisen	205
§6. PROBATIONARY PERIOD	20.5
§6. Probationary Period	205
§7. WRITTEN CONTRACT IS COMPULSORY	209
§8. ABILITY TO CONCLUDE A LABOUR CONTRACT (MINORS, OTHERS)	211
§9. THE INTERIM PERIOD BETWEEN THE CONCLUSION OF THE	
CONTRACT AND THE COMMENCEMENT OF WORK	212
CONTRACT AND THE COMMENCEMENT OF WORK	212
Chapter 2. Rights and Duties of the Parties During the	
	215
Employment Period	215
\$1. Duties of the Employee	215
I. Obligation to Work	215
II. Duty of Loyalty	215
A. Employees' Freedom of Speech – Whistle-blowing	217
1. The Balance between Freedom of Speech and the	
Duty of Loyalty	217
2. More Specifically concerning 'Whistle-blowing'	217
3. Whistle-blowing and Appropriate Procedure	218
B. Gifts and Similar from Business Associates	219
	220

C. Competing ActivitiesD. Work during Spare Time

	E. The Duty of Loyalty during the Period of NoticeF. The Situation after Termination of the Employment Contract	221 222
§2.	DUTIES OF THE EMPLOYER I. Obligation to Receive the Work Effort II. Training and Development of Competence	222 222 223
Ch	apter 3. Working Time, Annual Vacations, Holidays	225
§1.	BRIEFLY REGARDING THE INTERNATIONAL BASIS FOR THE REGULATION OF WORKING HOURS	225
§2.	QUESTIONS CONCERNING WORKING HOURS – A POLITICALLY CHALLENGED AREA OF LAW I. The Concepts of Work and Off-duty Time II. General Clauses concerning All Working Hour Arrangements A. Regard to Reasonableness B. Entitlement to Exemption from Night Work C. Entitlement to Flexible Working Hours D. Entitlement to Reduced Working Hours on the Basis of	226 226 226 226 227 227
	Health, Social or Welfare Grounds	227
§3.	ORDINARY WORKING HOURS I. Calculating Average Normal Working Hours I. Subject to Written Agreement has Employed and the	227 229
	II. Subject to Written Agreement between the Employer and the EmployeeIII. Subject to Written Agreement between the Employer and the Employees' Representatives	229 229
§4.	OVERTIME WORK I. Compensation II. Obligation to Perform Overtime Work	230 231 231
§5.	DAILY AND WEEKLY OFF-DUTY TIME	233
§6.	NIGHT WORK AND WORK ON SUNDAYS AND PUBLIC HOLIDAYS	233
§7.	SPECIAL REGULATIONS CONCERNING NIGHT WORK	234
§8.	EMPLOYMENT RELATIONSHIPS THAT ARE EXEMPTED FROM THE WORKING HOURS PROVISIONS I. Employees Holding Managerial or Particularly Independent Posts II. Trade Unions with more than 10,000 Members III. Divergent Employment Contracts between the Employer and the Individual Employee	234 234 235 236
§9.	ENTITLEMENT TO REDUCED WORKING HOURS	238

	Table o	f Contents
§10	O. WORK PERFORMED BY CHILDREN AND YOUNG PERSONS I. Survey II. Type of Work III. Working Hours IV. Breaks and Time-off	239 239 239 240 240
§11	. HOLIDAYS I. Annual Holidays II. Holiday Pay	241 241 241
Ch	apter 4. Remuneration and Benefits	243
§1.	WAGES AND WAGE SYSTEMS I. Wages II. Wage Systems	243 243 243
§2.	MINIMUM WAGE	245
§3.	EQUAL WAGES FOR WORK OF EQUAL VALUE FOR BOTH WOMEN AND MEN WITHIN THE SAME ENTERPRISE	245
§4.	PARTICULARS OF TIME-WAGE SYSTEMS	246
§5.	PARTICULARS OF DIFFERENTIATED WAGES, SYSTEMATIC JOB EVALUATION AND PIECE-WORK I. Differentiated Wages and Systematic Job Evaluation II. Piece-work Systems III. Work Studies IV. Calculating and Negotiating Piece-work Rates V. Revision of Piece-work Rate Agreements VI. Surveying VII. Piece-work Deprivation	247 247 248 249 250 251 251
§6.	SPECIAL REMUNERATION	251
§7.	Compensation for Public Holidays and the National Holidays of 1 and 17 May and for Work on These Days	252
§8.	SICK PAY, ETC.	252
§9.	DUE DATE AND MODE OF PAYMENT	253

I. Payment

II. Wage Deductions
III. Statement of Wage Calculation, etc.
IV. Errors in Calculating Wages
V. Repayment of Excess Wages
VI. Back Payment of Omitted Wages

VII. Securing Wage ClaimsVIII. Priority over the Employer's Bankrupt Estate, etc.IX. Government Guarantee for Wage ClaimsX. Limitation Period for Wage Claims, etc.	256 256 256 257
Chapter 5. Incapacity to Work	258
§1. Absence of an Employee Due to Illness	258
§2. Payment during Illness	258
§3. SELF-CERTIFIED SICK LEAVE FORM OR DOCTOR'S CONFIRMATION	258
§4. CHILD'S OR CHILD-MINDER'S SICKNESS	259
§5. CHRONICALLY ILL OR HANDICAPPED CHILD	260
§6. CARE OF CLOSE RELATIVES	260
§5. CHRONICALLY ILL OR HANDICAPPED CHILD §6. CARE OF CLOSE RELATIVES §7. PREGNANCY, CHILDBIRTH AND ADOPTION I. Pregnancy II. Childbirth A. Maternity Allowance B. Breastfeeding – Time-off for Nursing Mothers III. Adoption	261 261 261 262 263 264
§8. MILITARY SERVICE OR OTHER NATIONAL SERVICE	264
§9. LAYING-OFF (ABSENCE WITHOUT PAYMENT) I. The Right to Lay off Employees II. Executing the Right to Lay off III. The Employment Relationship during the Lay-off Period IV. Laying-off and Termination of Contract V. Laying-off and Termination of Contract – Employer VI. Laying-off and Termination of Contract – the Employee's Right to Continue in his or her Position during a Termination of Contract Procedure VII. Laying-off and the Duty to Pay Salary	266 266 267 267 268 268 268
§10. Other Forms of Legitimate Absence I. Educational Leave II. Public Office III. Labour Representatives IV. Welfare Reasons V. Religious Holidays	269 269 271 271 271 271
§11. ACCIDENTS AT WORK – INDUSTRIAL INJURIES OR DISEASES	271

I. The Welfare System according to the Social Security Act in	
relation to Industrial Injuries: an Introduction	271
II. Individual Rights Related to Industrial Injuries and Other	
Work-related Diseases	272
A. Terms of Entitlement for being Covered for Industrial Injury	
according to the SSA	272
1. The Different Benefits	273
2. Subsistence	274
3. Extra Expenditure	274
4. Special Advantages	275
B. Compensation for Permanent Injury	275
III. Industrial Injury Insurance	275
IV. Damages	276
TH 2 minges	_, 0
Chapter 6. Job Security	278
chapter of soo security	270
§1. TERMINATION OF EMPLOYMENT	278
§2. PROTECTION AGAINST DISMISSAL	279
I. The Employer's Termination of Employment for Reasons	21)
related to the Employer	280
II. Closing Down the Activities of an Enterprise	282
III. The Employer's Termination of the Employment for Reasons	202
Related to the Employee	283
IV. Termination of the Employment because of the Age of	203
the Employee	284
the Employee	204
§3. PROCEDURAL METHOD FOR DISPUTES OVER WRONGFUL DISMISSAL	286
§4. Appeals Deadline	287
§5. RIGHT TO REMAN IN POST DURING DISMISSAL CASE PROCEEDINGS	287
33. RIGHT TO KENAM IN 1 031 DOKING DISMISSAL CASE I ROCEEDINGS	207
§6. EFFECTS OF UNFAIR DISMISSALS	289
§7. AGREED BENEFITS ON TERMINATION OF EMPLOYMENT	291
I. Severance Pay	291
II. Golden Parachutes	291
III. Insurance Arrangements	292
III. Insurance Arrangements	2)2
§8. SUMMARY DISMISSAL/RESIGNATION	292
§9. TERMINATION DUE TO ACCIDENTS, FIRE AND SIMILAR	293
§10. Lay-offs (Temporary Redundancy)	294
§11. BASIC PRINCIPLES	295
311. DASIC I KINCH LES	<i>∠93</i>

§12. Transfer of Enterprises from a Bankrupt Estate	295
§13. DEATH, ILLNESS, ETC., OF AN EMPLOYEE	297
§14. THE EMPLOYEE'S OWN TERMINATION OF THE EMPLOYMENT CONTRACT	298
Chapter 7. Transfer of Enterprises	301
§1. BACKGROUND	301
§2. Survey	302
§3. THE OBJECT OF THE TRANSFER – AN ENTIRE ENTERPRISE OR A PART OF AN ENTERPRISE	303
§4. THE REQUIREMENT OF CONTINUITY §5. THE DIFFERENT TRANSFER SITUATIONS	305
§5. THE DIFFERENT TRANSFER SITUATIONS	310
§6. RIGHTS AND OBLIGATIONS PURSUANT TO THE EMPLOYMENT CONTRACT, AFTER THE TRANSFER	311
§7. PROTECTION AGAINST DISMISSAL DUE TO TRANSFER OF AN ENTERPRISE	312
AN ENTERPRISE §8. RIGHT OF RESERVATION, ETC.	313
§9. Representation	314
§10. Information to Employees	314
Chapter 8. Pensions	316
§1. RETIREMENT PENSION FROM THE NORWEGIAN SOCIAL SECURITY SYSTEM	316
§2. OCCUPATIONAL PENSIONS I. General Background II. Mandatory Occupational Pension – the Occupational	316 316
Pensions Act III. Defined Contribution Schemes	317 318
IV. Occupational Pension SchemesV. Defined Benefit Schemes	319 319
83 FARLY RETIREMENT PENSION	320

Chapter 9. Discrimination	322
1. EQUAL OPPORTUNITIES AND ANTI-DISCRIMINATION I. Legal Basis	322 322
II. The Requirement of Equal Treatment and Protection against Discrimination in an International PerspectiveIII. The Ombudsman for Equal Status, the Complaints Commission	322
for Equal Status and the Courts	324
IV. Shared Burden of Proof	325
V. Direct and Indirect Discrimination	326
VI. Especially concerning Discrimination on the Basis of	
Pregnancy and Childbirth	327
VII. Especially concerning Harassment	328
Chapter 10. Working Environment, Internal Control and	
Work Inspection	329
31. THE GENERAL REQUIREMENT FOR A FULLY SATISFACTORY WORKING	329
ENVIRONMENT I. The Employer's Responsibility	330
II. The Employee's Obligation to Cooperate for a Fully Satisfactory	330
Working Environment	330
III. The Employer's Responsibility for Other Employers	330
32. Organized Safety Work	331
3. THE OBJECTIVE OF SYSTEMATIC HEALTH, ENVIRONMENT AND	
SAFETY WORK – INTERNAL CONTROL	331
I. Systematic Health, Environment and Safety Work	333
II. The Responsibility for Running Systematic Health,	
Environment and Safety Work in the Enterprise	334
§4. OCCUPATIONAL HEALTH SERVICE	334
I. The Requirement for an Occupational Health Service	334
II. What is an Occupational Health Service?	334
III. Voluntary Occupational Health Service	335
IV. The Occupational Health Service's Tasks	335
V. The Occupational Health Service – Free and Independent Position	335
35. THE PSYCHOSOCIAL WORKING ENVIRONMENT	335
I. Starting Points	335
II. The Psychosocial Working Environment and Adaptation for	
Employees with Reduced Capacity for Work	336
III. Harassment or other Improper Conduct	337
IV. Sexual Harassment	337

§6. SPECIAL PRECAUTIONS TO ENSURE SAFETY I. Specific Requirements in relation to the Physical Work	337
Environment	338
II. The Chemical and Biological Working Environment	338
III. Requirements for Manufacturers, Suppliers and Importor IV. Requirements for Manufacturers, Suppliers and Importor	ers, etc. 339
of Chemicals or Biological Substances V. Requirements for Manufacturers, Suppliers and Importe	339
of Machines and Other Work Equipment	340
§7. EMPLOYEES WITH REDUCED CAPACITY FOR WORK	340
§8. THE LABOUR INSPECTORATE	340
I. The Labour Inspectorate's Responsibilities	341
II. Legal Authority for Labour Control and Labour Reac	tions 341
III. InspectionsIV. The Obligation to Provide the Labour Inspectorate with	341
Information	342
V. Protection of Sources of Information	342
VI. Appointing Specialists	342
VII. The Right to Appoint a Special Board of Inquiry in c	
Disasters	342
VIII. Individual Decisions Regarding Products, etc., which	
Entail Danger to Life or Health	342
IX. Coercive Fines and Halt of the Emerprise	343
X. Legal Authority to Demand Fees	343
§9. Penalties	343
Chapter 11. Covenants of Non-competition	345
§1. Non-competition Ci Auses	345
§2. PROPOSED AMENDMENTS TO THE WEA CONCERNING	
IMPLEMENTATION OF NON-COMPETITION CLAUSES, CUSTOM	1ER
CLAUSES AND NON-RECRUITMENT CLAUSES	346
Chapter 12. Inventions by Employees – Entitlements	to
the Result of the Work	348
the Result of the Work	340
Chapter 13. Employee Co-determination	350
§1. THE GENERAL RULE	350
§2. THE OBJECTIVES OF THE RULES REGARDING EMPLOYEES'	
CO-DETERMINATION	350

§3.	THE CONSTITUTIONAL PROVISION REGARDING EMPLOYEES' CO-DETERMINATION	350
§4.	THE LINK BETWEEN STATUTORY REPRESENTATION AND THE STATUTORILY OR COLLECTIVELY AGREED COOPERATION BODIES	351
§5.	CO-DETERMINATION AND THE SIZE OF THE ENTERPRISE	351
§6.	PRIVATE LIMITED COMPANIES AND OTHER COMPANY FORMS I. The Corporate Assembly II. The Board III. Corporations IV. Election Rules V. European Works Councils – Co-determination in SE companies	351 351 352 352 352 353
§7.	CO-DETERMINATION WHEN THE EMPLOYER GOES INTO BANKRUPTCY/ LIQUIDATION COUNCIL FOR CORPORATE DEMOCRATIZATION	353
§8.	COUNCIL FOR CORPORATE DEMOCRATIZATION	354
§9.	WORKING ENVIRONMENTAL COMMITTEE, SAFETY REPRESENTATIVES, ETC.	354
	I. THE RULES REGARDING INFORMATION AND DISCUSSION IN THE WEA I. Matters subject to Information and Consultation II. Information and Consultation with 'the Shop Stewards' III. When the Information and Consultation Shall Take Place IV. Carrying out the Obligation to Inform and Consult V. Sensitive Information VI. Sanctions in case of Breach of the Rules regarding Information and Consultation VII. Other Rules Regarding Information and Consultation Collectively Agreed Liaison Committees I. The Principle of Real Influence II. Information and Consultation III. Company Committees IV. Departmental Committees V. Information Meetings and Corporate Conferences VI. Corporation Committees VII. Development of the Company, New Technology and Working Studies and Control Measures	354 355 355 356 356 356 357 357 357 357 358 359 359 360
§12	. COLLECTIVELY AGREED SANCTIONS IN THE CASE OF A BREACH OF THE RULES REGARDING INFORMATION AND DISCUSSIONS	360

§13. CO-DETERMINATION IN THE PUBLIC SECTOR	361
§14. Co-determination as Employee or as a Member of a Union?	361
§15. THE EFFECTS OF THE RULES REGARDING CO-DETERMINATION WHEN NOT COMPLIED WITH	361
Part II. Collective Labour Relations	363
Chapter 1. General Principles	363
Chapter 2. Trade Union Freedom	365
\$1. FREEDOM TO ESTABLISH AND TO JOIN TRADE UNIONS AND TO PERFORM TRADE UNION ACTIVITIES I. Main Principle II. International, Constitutional and Legal Basis III. Trade Union – Term and Independence IV. Norwegian Legislation V. Participation in Trade Union Activities VI. The Right to Choose a Trade Union VII. Right to Membership VIII. Prohibited to Ask whether an Applicant is a Member of a Labour Organization IX. Limitations with Regard to what an Organization can Determine – Ultra Vires \$2. FREEDOM NOT TO JOIN A TRADE UNION I. The Validity of Closed Shop Clauses II. Payment of Union Dues, Wholly or Partly – the 'Free Rider'	365 365 365 366 369 370 371 372 373 373
Problem Chapter 3. Trade Unions and Employers' Associations	374
Chapter 3. Trade officials and Employers Associations	376
 §1. DESCRIPTION, ROLE AND STRUCTURE I. The Norwegian Confederation of Trade Unions (LO) and the Confederation of Norwegian Enterprises (NHO) A. The Basic Agreement (BA) II. Other Trade Unions and Associations 	376 376 376
Chapter 4. Institutionalized Relations between Employers and Employees	378
81. General Introduction	378

Tab	ما	οf	Cont	onte
HAID		411		

§2.	SAFETY REPRESENTATIVES	378
§3.	WORKING ENVIRONMENT COMMITTEES	379
§4.	RULES CONCERNING INFORMATION AND CONSULTATION I. Obligation Regarding Information and Consultation	379
	According to WEA Chapter 8 II. Information and Consultation in Connection with Collective Redundancies	379379
	III. Information and Consultation in the event of Transfer of Ownership of EnterprisesIV. Information, Cooperation and Co-determination based on	380
	Collective Agreements	380
Ch	apter 5. Collective Agreements	381
§1.	THE LEGAL CHARACTER OF COLLECTIVE AGREEMENTS	381
§2.	THE REQUIREMENT OF WRITTEN FORM DURATION AND NOTICE OF TERMINATION THE PARTIES THE LABOUR PEACE OBLIGATION	381
§3.	DURATION AND NOTICE OF TERMINATION	382
_	THE PARTIES	382
§5.	THE LABOUR PEACE OBLIGATION I. Legal Disputes II. Economic and other Disputes III. Political Strike, etc. IV. Sympathy Actions	383 383 384 384 384
§6.	THE PRINCIPLE OF MANDATORY COLLECTIVE AGREEMENTS	385
§7.	THE LABOUP COURT	385
§8.	THE 'DOUBLE TRACK' RULES OF PROCEDURE	385
§9.	Arbitration	386
§10	. GENERAL APPLICATION OF COLLECTIVE AGREEMENTS	386
Ch	apter 6. Collective Bargaining, Strikes, Lock-out and Other Legal Forms of Industrial Action	389
§1.	COLLECTIVE BARGAINING – INTRODUCTION I. Collective Bargaining and the Collective Agreements System – a Survey	389 389

A. General Background	389
B. Legislation Bears the Imprint of a Framework Legislation	390
C. Legislation Related to Labour Disputes – a Survey	390
II. The System of Collective Agreements – a Survey	391
A. Basic Agreements, Nationwide Agreements and Local	
Agreements	391
B. The Relation between the Basic Agreements, Nationwide	
Agreements and Local Agreements	392
III. The Technical Calculation Committee and the Coordinating	
Committee	393
IV. Other Wage Arbitration Bodies – Pendulum Arbitration	394
V. Wage Freeze and Wage Adjustment	394
v. Wage Preeze and Wage Adjustment	334
§2. Debarment from the Right to Strike	395
52. DEDINGER TROM THE RIGHT TO STRIKE	575
§3. STRIKE AND LOCK-OUT NOTICE	395
get british facilities	0,0
§4. Blockade and Boycott	397
5 1. BEOCKIDE MAD BOTCOTT	371
§5. THE OBLIGATION TO WORK DURING LEGAL INDUSTRIAL ACTION	399
33. THE OBLIGATION TO WORK DURING ELOAE INDUSTRIAL METION	377
§6. Strike-breakers	399
go. STRIKE-BREAKERS	377
§7. SANCTIONS	401
	401
I. Putting an End to the Violation of the Collective Agreement	
II. Liability	401
§8. DISMISSAL §9. DISMISSAL WITH NOTICE	105
§8. DISMISSAL	405
SO Benediction No.	100
§9. DISMISSAL WITH NOTICE	406
. \'	10.6
§10. RESIGNATION AS STOP STEWARD	406
§11. LIABILITY TO PUNISHMENT FOR VIOLATION OF COLLECTIVE	
AGREEMENTS	407
§12. THE EMPLOYMENT RELATIONSHIP AFTER CLOSURE OF	
Industrial Action	407
§13. STATISTICS ON LABOUR DISPUTES IN RECENT YEARS	408
Chapter 7. Settlement of Industrial Disputes and	
Protection of Vital Needs	409
1100000011 01 VIUI 110003	702
§1. Compulsory Mediation	409
31. COMPULSORT MEDIATION	409

Table of C	Contents
§2. WAGE ARBITRATION BOARD I. The National Wages Board II. Stipulation of Collective Terms by Authority of Special Act III. The Procedures for the National Wages Board	411 411 411 412
Chapter 8. Addendum on the Right of Employees to Choose a Trade Union	413
Selected Bibliography	421
List of Useful Web Pages	425
Table of Cases	427
Index	437
Table of Cases Index Index Attl: Index In	

Atta: Ilman Abookshop. Com