



08/09/2014

RAP/Cha/NOR/11(2014)Add1

EUROPEAN SOCIAL CHARTER

Addendum to the
11th National Report on the implementation
of the European Social Charter
submitted by

THE GOVERNMENT OF NORWAY

(Articles 4§1 and 4§5
for the period
01/01/2009 – 31/12/2012)

Report registered by the Secretariat on
8 September 2014

CYCLE 2014



**ROYAL NORWEGIAN MINISTRY
OF LABOUR AND SOCIAL AFFAIRS**

Article 4§1

The Committee asks the Government to provide more data on average income for certain groups of workers. We have in our 2013 report provided information on minimum wages according to collective agreements comprising these groups. The mentioned groups are:

- season workers in agriculture,
- unqualified workers in shipbuilding,
- unqualified workers in construction.
- unqualified workers in central, regional and municipal government and
- unqualified workers in public undertakings.

According to ECSR these minimum wages do not seem sufficient to ensure a decent standard of living.

The following table shows the average pay for people with only primary school or alternatively average pay for the lower quartile (the 25 percent lowest wages in the industry) in 2013. When women have lower pay than men, the women's average has been chosen.

	Average monthly pay (NOK) for persons with only primary school as the highest education ¹ . Or in some cases: Average monthly pay for persons in the lower quartile by industry ²	Median monthly ³ pay or in some cases average monthly pay ⁴ (by industry)	Median monthly pay for all industries together	Percentage of median pay by industry	Percentage of median pay by all industries
	2013	2013	2013	2013	2013
Agriculture, forestry, fishing	29 300 ²	37 100 ³	38 100	79,0	76,9
Shipbuilding	Currently no information	-	38 100	-	-
Construction	31 200 ¹	36 000 ³	38 100	86,7	81,9
Counties	30 800 ¹	39 300 ⁴	38 100	78,4	80,8
Central government	34 700 ¹	43 500 ⁴	38 100	79,8	91,1
Public owned enterprises (own by the municipalities or the central government)	Currently no information	-	38 100	-	-

Source: Statistics Norway (webside)

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The numbers shows that the pay in average is above the minimum rates in the collective agreements. This is a general precondition, as regards collective agreements which lay down minimum rates. Currently we have no available information regarding the

construction industry and the industry of public owned enterprises. This may be provided.

According to the conclusions of the ECSR December 2010 concerning the revised Charter Article 4§ 1 (page 10), the article does not impose an obligation on states to institute the statutory minimum wages. Further, it was stated that the exercise of the right to a fair remuneration can be achieved by freely concluded collective agreements or by other means appropriate to national conditions. The Norwegian system of wage formation is based on freely concluded collective agreements. To a limited extent, minimum wages are decided upon through general application of collective agreements. It will represent a fundamental change of this system if the authorities should adopt minimum wages in general.

As regard the social security system, reference is made to the Norwegian 10th report and previous reports on Article 12.

Finally, the Committee asks for information on wages paid in sectors or for jobs (e.g. domestic work) which are not covered by collective agreements.

In the Norwegian 11th report is wages in selected industries accounted for at page 10. These industry groups include both employees covered by collective agreements and employees not covered by such agreements.

According to the Labour Force Survey 2012, 54 % of all employees in the private sector state that they are covered by a collective agreement. The coverage in both the state and the municipal sector is 100%. Hence, the coverage of collective agreements in the whole labour market is approximately 70 %.

We have no public statistics as regard wages for domestic work. Such work is performed in a very small scale in Norway. In 2013 was a total of 435 workers (out of 2.5 million workers) employed in domestic work.

Article 4§5

The Committee asks the Government to quantify the "amount reasonably needed" and the protected wage as determined under the Working Environment Act, section 14-15 subsection 3, and the Creditor Safety Act. Additionally, it asks for information on any limits on deductions which may be operated on cumulated grounds under the two Acts, or a combination of the two legislations.

We have not found relevant case law on the basis of the Working Environment Act. There is some relevant case law on the basis of the Creditor Security Act. However, the Ministry of Children, Equality and Social Inclusion recently have adopted a regulation based on the Creditor Security Act, section 2-7 subsection 1, in force from 1 July 2014, which gives rates for what a person need to support him-/herself or what a family need for subsistence. The regulation gives a starting point for the assessment of the authorities when arrestment of wages has to be done, pursuant to the Creditor Security Act. The regulation may be derogated from; however, this must be justified. There are special rates for support of the debtor and his/her spouse, supplement for the support of their child/children dependent of

the age of the child/children or supplement for the situation that the debtor only have access to the children.

The rates are meant to cover consumption expenditure and will not cover housing costs. These costs will have to be assessed individually from the start. The rates will be regulated every year according to the consumer price index . Hence, previous case law will not be as relevant as before the new regulation.

Link to the regulation in Norwegian:

<http://lovdata.no/dokument/SF/forskrift:/2014 -06-13-724>

A case before the court regarding the limitation in the Working Environment Act Section 14- 15 Subsection (3) will very likely be based on the rates of the regulation, because the wordings of the rules in the Creditor Security Act section 2-7 subsection 1, and the Working Environment Act section 14-15 subsection 1, are (very much) the same and the purpose is the same; the employee must have enough to sustain himself and his family. If there simultaneously should occur claims towards the employee from other than the employer, the regulation will clearly state what a person and his family usually need for support.