

OSLO, 19/08/2005

3RD NORWEGIAN REPORT ON THE IMPLEMENTATION OF THE REVISED EUROPEAN SOCIAL CHARTER

Reference period: 01/01/2003 to 31/12/2004

Article 1 The right to work

To elaborate on especially Article 1 paragraph 1 and 2, we enclose booklets concerning Norwegian labour market policy for 2003 and 2004. We regret that the booklet concerning 2004 only is available in Norwegian. (*Enclosure 1, 2, 3 and 4*)

Article 1 Paragraph 1

Question A

The main task of the Norwegian Public Employment Service, Aetat, is to promote a well functioning labour market through promoting

- Active and qualified jobseekers,
- Sound access to labour,
- Effective administration of disbursements and
- Promote the availability of knowledge about the labour market.

The programmes and activities that are outlined below, give evidence to how Aetat's operations underpin national labour market policies and the government's employment and economic policies.

Aetat's main budgetary means are outlined under Article 1/Para 3/Question B. Means are continuously directed/adjusted to regions, sectors and target groups of jobseekers that at any point of time are most severely struck by structural problems and unemployment. Young people 16-19 years, long-term unemployed (more than 6 months), immigrants and occupationally handicapped are the most important target groups subject to the services of Aetat.

In the course of 2003 and 2004 additional resources have been allocated by the Government to cope with the rapidly increasing number of persons undergoing occupational rehabilitation. In 2004 the number of persons undergoing occupational rehabilitation for the first time exceeded the number of persons being totally unemployed.

The latter trend also signals a strong commitment on the part of Aetat to activate groups at the fringe of the labour market. For this purpose Aetat together with other public agencies/levels of governments introduced a coordinated programme on combating poverty in 2003. This programme has achieved considerable progress in 2004.

Furthermore, Aetat has in 2003 and 2004 strengthened its cooperation with the State Agency for Social Security and the Social Relief Offices at municipal level to ensure a quicker labour

market reintegration from groups with complex problems and scarce labour market experience.

By means of various efforts Aetat has in 2003 and 2004 been able to curb unemployment, counteract structural problems and ensure a speedy "recirculation" of its job-seekers into the labour market. The changes in the unemployment benefit system have been met by a much closer follow-up of job-seekers.

Employment expenditure in details, 2002, measured in NOK millions.			
	2002	2003	2004
Wage subsidies to employers	196	347	445
Qualification measures	880	1 167	1 392
Of which labour market training	662	922	1 064
Measures targeting companies	19	21	18
Benefits promoting mobility	11	12	11
Job creation projects	13	13	14
Evaluations, development measures	12	12	24
Sum, excluding rehabilitation measures	1 132	2 494	2 968
Rehabilitation measures	2 600	2 611	2 792
- of which AMB, AFT, PV/ASV/ASVO *	1 888	1 609	1 745
Sum, labour market measures	2 600	2 611	2 792
Allowances for occupational rehabilitation	7 631	8 877	10 829
Unemployment benefit during unemployment	8 268	11 106	11 048
Aetat's administration **	1 925	2 056	2 238
	21	27	29
Total	556	144	875

* Of which AMB, AFT, PV/ASV/ASVO contain figures for wage subsidies and rehabilitation subsidies for labour market companies, reorganisation support, placement officer posts and operations and investments for AFT, ASV, ASVO and PV.

** Expenditure includes costs for Aetat's IT project.

Source: Aetat, The Norwegian Public Employment Service

Employment expenditure, 2000-2004, measured in NOK millions.						
		2000	2001	2002	2003	2004
Costs related to unemployment	Measures for unemployed (active)	1 501	1 232	1 132	2 494	2 968
	Unemployment benefits (passive)	6 189	6 646	8 268	11 106	11 048
	Share of active measures	20 %	16 %	12 %	10 %	9 %
Costs related to occupational rehabilitation	Rehabilitation measures	2 365	2 561	2 600	2 611	2 792
	Allowances for occupational rehabilitation	5 345	6 463	7 631	8 877	10 829
	Aetat's administration	1 960	1 872	1 925	2 056	2 238
	Total	17 106	18 672	21 556	27 144	29 875

Source: Aetat, The Norwegian Public Employment Service

Question B

From the tables below the following main features and developments on the labour market are emphasised:

- The average number of ordinary jobseekers totalled 151 100 in 2003 and 153 300 in 2004. Ordinary jobseekers are composed of three main groups – totally unemployed, participants on ordinary measures and partially employed people. To arrive at the total number of jobseekers, one has to add the number of persons undergoing occupational rehabilitation – 77 645 in 2003 and 86 402 persons in 2004.
- The total number of registered jobseekers was 446 669 persons in 2003 and 466 367 persons in 2004. The duration of labour market inactivity is longer for persons undergoing

occupational rehabilitation than for persons than for ordinary jobseekers, foremost totally unemployed and participants on ordinary measures.

- In 2004 the unemployment rate for men was 4.1 % and for women 3.5 %, altogether 3.9 %.
- The main bulk of totally unemployed people are found in age cohorts 20 – 50 years.
- The main bulk of totally unemployed people find new employment within 6 months.
- The private sector, esp. industry and commerce, was most severely struck by unemployment in 2003 and 2004. But declining demand for labour in the public sector has led to an increase in unemployment among health care personnel and young academics.
- The registered unemployment rate varies between the various counties/districts in Norway. Oslo (the capital) and Finnmark (the northernmost county) had the highest unemployment rates in 2004. In Oslo unemployment is especially high among immigrants.
- In 2003 107 541 persons and in 2004 103 950 persons were granted unemployment benefits.

Labour market statistics, 16-74 years, 1997-2002. 1000 and per cent.

	1997	1998	1999	2000	2001	2002	2003	2004
Total population	3154	3167	3183	3201	3214	3234	3257	3282
The labour force	2287	2323	2333	2350	2361	2378	2375	2382
Labour participation rate (activity rate)	72,5	73,3	73,3	73,4	73,5	73,5	72,9	72,6
Employment	2195	2248	2258	2269	2278	2286	2269	2276
Employment rate	69,6	71	70,9	70,9	70,9	70,7	69,6	69,3
Unemployment, according to the Labour force survey	92	74	75	81	84	92	107	106
Unemployment rate	4	3,2	3,2	3,4	3,6	3,9	4,5	4,5
Registered unemployment (source: Aetat the Norwegian Public Employment Service)	74	56	60	63	63	75	93	92

Source: Statistics Norway, The labour force survey

Employment, 16-74 years, annual average, by sex. 1000

	Males	Females
2001	1214	1064
2002	1210	1076
2003	1198	1071
2004	1201	1074

Source: Statistics Norway, The labour force survey

Employment, 16-74 years, annual average, by type of employment. 1000

	Short part-time	Long part-time	Full-time	Unspecified working hours
2001	279	308	1679	11
2002	286	311	1678	12
2003	288	311	1658	11
2004	298	315	1654	9

Source: Statistics Norway, The labour force survey

Employment, 16-74 years, annual average, by status of employment. 1000

	Salaried employees	Self-employed	Family workers
2001	2108	154	8
2002	2118	154	7
2003	2098	158	7
2004	2105	161	7

Source: Statistics Norway, The labour force survey

Employment, 16-74 years, annual average, by age. 1000

	2001	2002	2003	2004
16-19	107	112	106	108
20-24	200	203	202	199
25-29	267	255	245	239
30-39	612	616	608	608
40-54	814	813	813	820
55-66	341	359	377	384
67-74	21	22	23	23

Source: Statistics Norway, The labour force survey

Employment, 16-74 years, annual average, by counties. 1000

	2001	2002	2003	2004
Østfold	125	125	125	124
Akershus	256	255	253	254
Oslo	280	279	274	279
Hedmark	89	90	90	89
Oppland	93	91	90	89
Buskerud	124	123	124	121
Vestfold	106	107	107	106
Telemark	80	81	78	78
Aust-Agder	49	49	49	49
Vest-Agder	73	75	74	75
Rogaland	188	193	192	195
Hordaland	219	218	223	225
Sogn og Fjordane	54	53	54	53
Møre og Romsdal	120	124	121	119
Sør-Trøndelag	133	135	133	136
Nord-Trøndelag	60	61	60	58
Nordland	115	116	113	112
Troms	77	76	75	77
Finnmark	36	36	36	35

Source: Statistics Norway, The labour force survey

Employment, 16-74 years, annual average, by industries. 1000

	2001	2002	2003	2004
AGRICULTURE AND FORESTRY	72	69	67	63
FISHING	17	17	16	16
OIL AND GAS EXTRACTION	32	31	29	30
MINING AND QUARRYING	4	4	3	3
MANUFACTURING	286	289	278	264

Food products, beverages, tobacco	49	52	54	50
Textiles, wearing apparel, leather.	8	6	5	6
Wood and wood products	17	17	17	17
Pulp, paper and paper products	13	10	8	8
Publishing, printing, reproduction.	33	32	32	32
Refineries,chemicals,rubber,plastic	24	23	23	22
Other non-metallic mineral products	11	9	8	8
Basic metals and fabricated metal products	34	34	34	33
Machinery and equipment n.e.c	23	26	24	21
Electrical and optical equipment	23	23	23	20
Transport equipment	35	38	36	34
Furniture and other manufacturing	16	17	12	12
ELECTRICITY,GAS,WATER SUPPLY	18	14	17	16
CONSTRUCTION	152	157	159	160
DOMESTIC TRADE,HOTELS,RESTAURANTS	398	401	407	415
Motor vehicle services	52	54	53	56
Wholesale trade, commission trade	105	103	102	100
Retail trade,repair personal goods.	173	175	182	189
Hotels and restaurants	67	68	70	70
TRANSPORT,COMMUNICATION	169	161	149	149
Land transport,pipeline transport	63	61	57	57
Water transport	21	22	22	22
Air transport	13	12	11	10
Supporting transport activities	29	28	24	26
Post and telecommunications	43	38	35	35
FINANCIAL INTERMEDATION, REAL ESTATE,BUSINESS ACTIVITIES	273	272	272	271
Financial intermediation	49	51	47	48
Real estate activities	19	19	23	20
Renting, business activities	205	202	202	203
OTHER SERVICES	854	868	869	886
Public administration and defence	151	145	149	144
Education	190	188	186	195
Health and social work	417	440	440	449
Membership organizations n.e.c	23	23	20	22
Cultural and sporting activities	40	40	42	44
Domestic services	2	3	2	2
Other service activities	31	29	30	30
Unspecified	3	3	2	1

Source: Statistics Norway, The labour force survey

Registered unemployment, annual average.

	Number of unemployed persons				Unemployment as percentage of labour force			
	2001	2002	2003	2004	2001	2002	2003	2004
Østfold	3416	4177	5 133	5 171	2,7 %	3,2 %	4,0 %	4,0 %
Akershus	3487	4974	7 017	7 297	1,4 %	2,0 %	2,8 %	2,8 %
Oslo	8385	11727	14 995	15 205	2,8 %	3,8 %	4,9 %	5,1 %
Hedmark	2220	2551	2 939	2 989	2,4 %	2,7 %	3,1 %	3,2 %
Oppland	1757	2063	2 463	2 461	1,9 %	2,3 %	2,7 %	2,7 %

Buskerud	2656	3391	4 147	4 299	2,0 %	2,6 %	3,1 %	3,2 %
Vestfold	2584	3200	4 291	4 254	2,4 %	2,9 %	3,8 %	3,9 %
Telemark	2399	2882	3 686	3 648	2,9 %	3,5 %	4,4 %	4,4 %
Aust-Agder	1520	1991	2 430	2 216	3,0 %	3,9 %	4,7 %	4,3 %
Vest-Agder	2492	2789	3 457	3 069	3,2 %	3,6 %	4,4 %	3,9 %
Rogaland	6045	6676	8 006	7 538	3,0 %	3,3 %	3,9 %	3,6 %
Hordaland	6957	7742	9 122	8 516	3,1 %	3,4 %	4,0 %	3,7 %
Sogn og Fjordane	911	1104	1 478	1 626	1,7 %	2,0 %	2,7 %	3,0 %
Møre og Romsdal	2964	3534	4 866	4 807	2,4 %	2,8 %	3,9 %	3,9 %
Sør-Trøndelag	4485	5234	6 029	5 785	3,3 %	3,8 %	4,3 %	4,1 %
Nord-Trøndelag	2270	2385	2 613	2 489	3,6 %	3,8 %	4,1 %	3,9 %
Nordland	4008	4338	5 000	5 072	3,4 %	3,7 %	4,3 %	4,4 %
Troms	2269	2499	2 784	2 968	2,9 %	3,2 %	3,5 %	3,8 %
Finnmark	1823	1944	2 174	2 152	4,8 %	5,1 %	5,7 %	5,7 %
Total	62648	75201	92 631	91 563	2,7 %	3,2 %	3,9 %	3,9 %

Source: Aetat The Norwegian Public Employment Service.

Registered unemployment, annual average, by sex

	Number of unemployed				Unemployment as percentage of labour force			
	2001	2002	2003	2004	2001	2002	2003	2004
Females	26936	32624	38586	39399	2,1 %	2,6 %	1,3 %	3,5 %
Males	35712	42578	54045	52164	3,2 %	3,8 %	0,2 %	4,1 %
Total	62648	75201	92631	91563	2,7 %	3,2 %	0,6 %	3,9 %

Source: Aetat The Norwegian Public Employment Service.

Registered unemployment, annual average, by age

	2001	2002	2003	2004
Under 20	2617	2796	3117	2899
20-24	9292	11024	14133	13583
25-29	10489	12865	15399	14835
30-39	17826	22178	27442	27339
40-49	10654	12934	16361	16737
50-59	7795	9258	11435	11278
60 and above	3975	4149	4743	4893
Total	62648	75205	92631	91563

Source: Aetat The Norwegian Public Employment Service.

Registered unemployment, annual average, by duration. Weeks.

	2001	2002	2003	2004
Under 4	18415	21556	25139	24097
4-7	9385	10806	13195	13551
8-12	7734	8723	11357	11646
13-25	10977	13463	16678	17284
26-39	5739	7349	9263	9408
40-52	3140	4143	5080	4908
53-80	3545	4577	6061	5297
81 or more	3713	4581	5858	5373
Total	62648	75205	92631	91563

Source: Aetat The Norwegian Public Employment Service.

Question C

The table below shows that the total number of vacancies registered by Aetat amounted to 199.779 in 2003 and to 202.523 in 2004. Three sources of information: Published through the media, vacancies submitted to Aetat local employment offices and self-registered vacancies by employers into www.aetat.no. There was an increase of 5% in terms of vacancies submitted to Aetat local employment offices.

Job vacancies, 1997-2004.

	1997	1998	1999	2000	2001*	2002	2003**	2004
Flow, total	390	472	506	591	405	301	199	202
Of which directly notified to Aetat	767	455	844	071	504	163	779	523
Of which registered by employer on the web pages of Aetat	136	171	238	309	139			
Of which advertised in media	498	793	446	530	199	74 236	39 645	41 594
Stock, total	14 057	18 608	17 878	18 424	14 879	12 225	11 115	10 708
Of which directly notified to Aetat	4 205	6 964	6 938	6 605	3 891	2 725	2 210	2 179
Of which registered by employer on the web pages of Aetat	0	0	690	1 686	2 797	3 670	3 701	3 121
Of which advertised in media	9 852	11 645	10 251	10 134	8 191	5 831	5 204	5 408

*Aetat introduced a new data service system in May 2001.

Consequently, the number of vacancies in 2001 is not fully comparable with other years.

** Aetat has changed the definition of flow of job vacancies in 2003.

The number of vacancies from this year does not include short term job vacancies.

Consequently, the number of vacancies in 2003 and 2004 is not fully comparable with other years.

Source: Aetat The Norwegian Public Employment Service.

Table 5 and 6 in *enclosure 3 and 4* shows the nature of vacant jobs registered by Aetat for 2003 and 2004. Health care, trade/retail, other kinds of service work and administration accounted for the majority of vacancies in 2003 and 2004.

Furthermore, reference is made to previous reports.

The ECSR's requests for data concerning unemployment among the disabled and for information on the unemployment rate among immigrants:

The unemployment rate among the disabled

Disabled people that have been granted disability pensions are not seen as part of the labour market. From the age of 67 a disability "pensioner" is changing his status/public classification into retirement pensioner. End of 2004 there were app. 250 000 people on disability pensions in Norway.

The Norwegian government, through The Social Security Board and Aetat, has for several years without curtailing their benefits, been trying to induce disability pensioners to take part time jobs. Extensive efforts have also been made to reactivate disability pensioners back to working life, so far with limited success. These endeavours will be given even higher priorities through the creation of a new State Agency for Work and Welfare from 2007.

Employment/unemployment among disabled persons aged 16-66 years

	(Number in 1000 and percentage)			
	4. quarter 2000	2. quarter 2002	2. quarter 2003	2. quarter 2004
Disabled:				
- Number	460	438	433	476
- Percentage of all persons	15,7	14,7	14,4	15,7
Employed disabled persons:				
- Number	216	204	184	220
- Percentage of disabled	47,0	46,6	42,5	46,3
Unemployed disabled persons:				
- Number	14	13	17	12
- Percentage of disabled	3,0	3,1	3,9	2,4

Source: Statistics Norway

We also refer to the enclosed abstract of the report "Disabled persons on the labour market - Results from an ad hoc module in the Labour Force Survey (LFS) 2nd quarter 2004", by Statistics Norway. (*Enclosure 5*)

The unemployment rate among immigrants

End of May 2005 78 320 people were registered as totally unemployed in Norway: Immigrants from OECD-countries (4405) and immigrants from non-OECD-countries (11624), altogether 16 209 or 20, 5% of the number of totally unemployed.

Unemployment in May 2004 totalled 86 833 people. Among immigrants unemployment was less reduced than for Norwegians.

On average the unemployment rate among immigrants is 3 times higher than among Norwegians. An immigrant is one of the key target groups for Aetat. Extensive resources are spent to promote the labour market integration of this group.

The ECSR's request for Aetat's implementation of the project "Purchase of placement services for job seekers":

This project is now being subject to an external evaluation. Aetat will outline the main conclusions in the next report.

Article 1 Paragraph 2

Aetat is rendering its services on a non-discriminatory basis on the basis of the Employment Act and the subsequent Law on Labour Market Services that will come into effect on 1 July 2005. Reference is also made to our last report.

Section 55 A of the Act relating to worker protection and working environment, hereinafter referred to as the WEA, was repealed in March 2004. At the same time, two new chapters relating to discrimination in employment was adopted in the WEA, see chapter X A relating to equality of treatment at work and chapter X B relating to registration and participation in organizations, etc. The prohibition against discrimination that was set out in section 55 A is continued and extended in these new chapters. Thus the prohibition against demanding job applicants to apply information concerning their political or religious views is now covered by the new chapter X A, see especially section 54 A and 54 B. An English version of the WEA is enclosed (*Enclosure 6*).

The principal rule is that discrimination on grounds of gender, religion, view of life, colour, national or ethnic origin, political views, membership of a trade union, sexual orientation, disability or age is prohibited, see section 54 B. Exemptions are accepted where the discrimination has a just cause, does not involve excessive interventions and is necessary for the performance of work of profession, see section 54 D.

The prohibition applies to all aspects of the employment relationship, including advertising of posts, appointment, termination of the employment relationship etc., see section 54 A.

The Labour Inspection Authority can give guidance as to the application of the regulations, but does not have the authority to issue orders relating to chapter X A and X B of the WEA. However, The Labour Inspection Authority has the authority to issue orders if employers fail to make necessary workplace arrangements for elderly and physically disabled workers pursuant to other provisions in the WEA. The same may be the case if the enterprise has not fulfilled its obligations to prevent or try to stop incidents of harassment.

Furthermore, an employee who is of the opinion that discrimination against him or her has taken place can bring the dispute to court.

A new legal act, which provides for a common instrument of enforcement, covering cases based on all grounds of discrimination has been adopted, and is expected to come into force by the 1st of January 2006. The preparatory works of the act are found in Ot. Prp. nr. 34 (2004-2005).

Furthermore, reference is made to previous reports.

Further questions from the ECSR:

The ECSR repeats its questions from Conclusions XVI-1 (pp. 485-490) concerning protection against discrimination in employment and the prohibition of forced labour. The ECSR also asks for information of recipients of daily cash benefits which could lose the entitlement, if they refuse without valid reasons to participate in vocational training programmes organised by the employment service, and requests information on which benefits are concerned, what is meant by "valid reasons", whether there is a possibility to appeal the decision of the Employment Office and also the percentage of benefit recipients involved.

As mentioned before, Norway revised its National Insurance Act in 1997. The purpose was first and foremost to improve its structure. The former act was from 1967, 30 years old, with many amendments and additional regulations. The purpose of the revision was to improve the structure and make the regulations more consistent and user friendly. Chapter 4 of the act which concerns unemployment benefit was also revised and altered.

To reiterate ourselves from previous reports (under Article 12 (3)):

Some definitions and wording were changed. Under the legislation in the former National Insurance Act a person could lose his benefits if she/he refused "suitable employment", but under the new act we got a new wording. A person can now lose his benefit if she or he refuses a job "without reasonable ground". The purpose of changing the wording, however, was not to strengthen the right to unemployment benefit. Refusal of "suitable employment" could under the old legislation, lead to temporary disqualification from unemployment benefits. The important point is that "suitable employment" in the former act referred to all kinds of employment the person involved was physically and mentally qualified for. This is a much wider definition than normally used. Only if the person in question was not physically or mentally qualified for a job, s/he had a just cause for refusal. The new current legislation says "reasonable grounds". We will stress that this definition in our opinion is less restrictive than the definition, "suitable employment", since it opens for the possibility of other reasonable grounds for refusing a job offer that it is not suitable, for instance matters that relate to the family situation rather than the job.

The alternative to less skilled jobs for unemployed persons, in this context, is not skilled jobs, but unemployment benefits. We will presume that work experience from a less skilled job is better than a period on unemployment benefits. We will presume that persons staying in less skilled jobs than they are qualified for, are in a better position while applying for suitable jobs they are skilled for than persons being on unemployment benefits. An employer will probably prefer to appoint a person working in a less skilled job if he explains why, than a person on

unemployment benefits. Research shows that even short-term unemployment rapidly reduces the chances of unemployed on the labour market.”

Unemployment benefit, which provides a high standard of protection in Norway, may actually be a more real alternative to less skilled jobs than skilled jobs themselves. Such a situation on the labour market may emerge in case skilled jobs are hard to find and workers prefer to stay on unemployment benefit for longer periods searching for a skilled job rather than take up a less skilled and unsuitable one. The way out of such a situation, which increases the cost of unemployment insurance due to inefficiencies of the labour market, may lie either in correcting these inefficiencies, for example by better matching workers qualifications to existing vacancies, or in correcting the behaviour of unemployed workers themselves, making them more willing to accept low quality jobs with lower wages and lower benefit in future spells of unemployment. In the first case, the responsibility and the cost of restoring balance between quality of jobs offered and qualifications of jobseeker with the Government and requires long-term efforts to improve the functioning of the public employment service; in the second, the responsibility of finding quality jobs suited to their qualifications is being shifted on to the individual jobseekers themselves, who bear the costs of existing labour market inefficiencies by being forced to accept any job to shorten their benefit period.

We will again underline that the Norwegian unemployment scheme has a dual function, or two main roles. The first one is to provide the unemployed with a certain level of income, and the second one is to improve the functioning of the labour market. It is essential to strike a balance between these two aims, social protection and the labour market function. The compensation level of the Norwegian unemployment benefit system is a generous one. Unemployment benefit is, however, contrary to many other social benefits, temporary and subsidiary to work, which in its character puts demands on the unemployed. One such requirement is to be a jobseeker. It is the unemployed persons own responsibility, eventually with help from the labour market administration, to try to find a job.

There is often difficult for unemployed to find new employment, especially if there is a recession. Unemployment will often occur in certain branches, and new jobs in the same branch or similar branches can be difficult to obtain. There is therefore important that the unemployed is flexible and can take up work s/he is physically and mentally qualified for.

The condition to take up any job is carried out with leniency. The labour market administration will try to give the unemployed suitable employment, but as time pass the unemployed must be ready to take up jobs they are physically and mentally qualified for take their overall situation into consideration, including the family situation. The family situation may in certain cases be “a reasonable ground” for claiming benefits after “suitable employment” has been found and offered.

The unemployment benefit shall be temporary. It is therefore necessary to have labour market programmes and measures to offer to persons on unemployment benefits, if work is not available, or if it is obvious that the unemployed needs to update his qualifications. Labour market programmes are normally an offer to the unemployed, and the offer is based on an evaluation from the employment office where education, work practice, individual talents and work prospects are taken into consideration.

Obligation to participate at labour market programmes is carried out with leniency.

There are normal procedures around participation in labour market programmes. Firstly they are offered on an individual basis, with skills, education and work prospects as important criteria. Secondly, if an individual refuses an offer she or he may appeal.

We will underline that decision of suspension of the unemployment benefit can be appealed both to The Directorate of Labour and further to National Insurance Court.

Concerning protection against discrimination we refer to the information given above under question A.

The ECSR asks for the percentage of participants in active measures who found a job after completing an active employment measure

There are no available statistics on the participants in active measure who found a job after completing an active employment measure.

Ordinary job-seekers, who have stopped registering with AETAT, by reason

Reason	Percentage share 2003	Percentage share 2004
Full-time work	57	59
Part-time work	13	14
Education/training/courses	9	8
Log-term sick leave/medical rehabilitation	6	5
Disability/retirement pension	1	1
Unemployed	7	6
Other	6	7
<i>Total</i>	<i>100</i>	<i>100</i>

Source: Aetat The Norwegian Public Employment Service.

The ECSR would like to know the reasons for reducing expenditure on active measures at a time when the situation of the labour market is deteriorating.

The expenditure on active measures is decided by Parliament. Aetat is utilising its funds for active measures in accordance with the overall aims and priorities set by Parliament and the Government. Through a closer follow-up on jobseekers, in which granting jobseekers access to active measures is an important part, Aetat has also in 2003 and 2004 been able to ensure a rapid re-entering of jobseekers into the labour market. Reference is also given to our elaboration below, on the challenges posed by changes in the system of unemployment benefits.

The Committee requests information on prisoners' working conditions (pay, hours of work, right to refuse work) and asks whether it is possible to require prisoners to work on behalf of private undertakings

According to the WEA section 3 subsection 2 litra d), the King will decide to what extent "inmates in correctional institutions" shall be regarded as employees when performing work in an establishment covered by the WEA. Provisions on this were given in 1977 and states that prisoners are regarded as employees and covered by the following chapters of the WEA:

Chapter I. Purpose and scope of the Act.

Chapter II. Requirements regarding the working environment, except:

Section 8, subsections 2 and 3 (regulations stating that working premises shall be arranged so that both sexes can be employed (2), and regulations on living quarters made available to employees by the employer. (3)

Section 12, subsection 2 and 3 (regulations stating the employees right to self-determination and professional responsibility (2), and regulations on information about control and planning systems (3).

Section 13, subsection 3 (regulations on the right for the employee and the elected representative to be consulted before being transferred to other work in cases of reduced capacity for work)

Chapter III. Duties of employer and employees, except:

Section 16, subsections 1 and 2 (Regulations on the employees duties)

Chapter IV. Liability of manufacturers, suppliers, etc.

Chapter V. Consent of the Labour Inspection Authority for erection of new buildings, alterations to buildings, reorganization, etc.

Chapter VI. Reporting and recording occupational accidents and occupational diseases

Chapter VII. Safety representatives, working environment committees, safety and health personnel.

Chapter IX. Employment of children and young people, except:

Section 36 (Working hours), section 39 (Rest breaks and time off) and section 40 (Work in the event of accidents, natural disasters and the like).

Chapter XIII. The Norwegian Labour Inspection Authority.

Chapter XIV. Penal provisions, except:

Section 86 (Liability of employees)

Further information on prisoners' working conditions in Norway

In Norway, section 3 of the Execution of Sentences Act stipulates that a convicted person has a duty to take an active part in assigned activities during the execution of sentence and special criminal sanctions. The duty may comprise of a number of different activities, such as work, service beneficial to the community, training, programmes or other measures that are likely to counteract new crime.

The obligation to take an active part does not necessarily apply in the event of an illness or a disability. In such cases, the prisoner may be exempt from his/ her duties unless one can adjust the activities so that they can be performed despite the illness / disability. Persons remanded in custody are not obligated to participate in these activities, but they must be offered opportunities to take part in activities as long as this is in accordance with the remand order and the prosecuting authority's decisions. In addition, they may be ordered to help with necessary cleaning and other housework inside the prison. Work, training, programmes or other measures are all activities that satisfy the requirements of the duty to take part in an activity. A prisoner may not be ordered to take part in training, programmes and other measures such as treatment against his or her will. If the prisoner does not wish to take part in such measures, he/she may be ordered to work.

One must try to arrange the activities in such a manner that all prisoners are offered some form of employment. The opportunity to work is meant to offer the prisoners formal training as well as a normal working day, and company with other people. As long as it is appropriate and professionally satisfactory, the prisoners can be involved in all forms of activities that are

necessary for the running and maintenance of the prison. In special cases, and only if security reasons make it justifiable, a prisoner may be set to work outside of the prison.

The income from the work done in the prisons accrues to the State. Convicted persons, who are serving their sentences, may be granted daily pay. Participation in work, programmes, training and other measures is compensated on an equal basis. The Norwegian Correctional Services determines the rates. Currently the rate is approximately NOK 50 per day.

Deductions may be made in the prisoners' daily pay for irregular absence and bad workmanship. Daily pay shall not be granted to prisoners who are absent from or refuse to take part in the activity allotted to them. Prisoners who because of their state of health or working capacity are deemed to be unfit for employment in the ordinary activity of the prison, shall be granted a minor amount of benefit payment according to rates determined by the Norwegian Correctional Services. Similar amounts may be granted to convicted persons who voluntarily isolate themselves or to persons remanded in custody that do not wish to work.

Working hours are usually from 8 am to 3 pm. Other working hours may be set where this is deemed necessary due to the operation and management of the prison.

In special cases, the Correctional Services may grant prisoners permission to take part in work, training, programmes or other measures outside the prison if security reasons make it justifiable, and there is no reason to assume that the prisoners will evade from the execution of their sentences. Such day-release may not be commenced before the prisoner has served at least one third of his/her sentence as well as a continuous period of at least four months in custody. Day-release should as a general rule not be granted for a longer period than one year. However, with regard to education, day-release may be granted for a period of up to two years. Day-release shall not be allowed for activities that take place outside normal working hours. Furthermore, day-release shall not be granted for participation in one's own or close relatives' activity. The same applies to companies in which a convicted person has or has had considerable proprietary interests or important posts.

After taxes are paid, the prisoner's salary is transferred to the prison. A deduction in the salary can then be made for expenses related to room and board. The remaining amount may then be deposited in a special account administered by the prison and the prisoner in community.

In Conclusions 2001 the Committee also asked for information on the legal safeguards attaches to part-time work.

A number of changes to the Working Environment Act was passed by the Norwegian Parliament in June 2005. Among the changes are provisions on improvement of the conditions of part-time workers. The new legislation introduces for instance a statutory right for part-time workers to increase working hours if such are available. The new provisions will come into force on 1 January 2006. The revised WEA will then fully implement the Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work. We will give a full account on the Norwegian legislation on this issue in our next report.

Article 1 Paragraph 3

Question A

The principle structure and working pattern of Aetat is outlined under question B. Operative services are rendered through Aetat local employment offices ("Aetat lokal"), through units for specialised service or through our web site www.aetat.no. Regarding various characteristics of the labour market, reference is also given to Article 1/Paragraph 1/Question B.

With regard to vacancies, reference is given to our answer under Article 1/Paragraph 1/Question C above.

Under Article 12/Paragraph 3 it is e.g. stated that during 2003 and 2004 respectively 70% and 73% of the jobseekers found a new job. Table 9 in *enclosure 3 and 4* shows that in 2003 57% of the jobseekers acquired a full-time job while 13% acquired a part-time job, altogether 70%. For 2004 the equivalent figures were that 59% acquired a fulltime job while 14% of the jobseekers found a part-time job.

Through its various efforts Aetat has in 2003 and 2004 been able to curb unemployment, counteract structural problems and ensure a speedy "recirculation" of its job-seekers into the labour market.

Question B

The Directorate of Labour is the supervisory body of Aetat. A number of nationwide specialised units are directly linked to the Directorate encharged with tasks as registering vacancies and jobseekers, dealing with complaints/misuse of benefits and providing in-house IT user support. Locally there are app. 170 locations consisting of Aetat local employment offices and county-wise/regional units for specialised services.

In 2004 Aetat dispose of some NOK 29 Billions for its various tasks and activities:

- NOK 5,5 Bill. for active measures
- NOK 2,2 Bill. for ordinary measures
- NOK 2,8 Bill. for measures reserved for occupationally handicapped
- NOK 10,8 Bill. to disbursements/benefits for occupationally handicapped
- NOK 11 Bill. for unemployment benefits
- NOK 2,2 Bill. were spent to cover administrative and managerial expenses.

I 2004 Aetat employed 3.500 people to run its activities and services.

The level of disbursements and benefits for unemployed and occupationally handicapped is dependent on the number of people that actually register with Aetat and that comply with the requirements hereto.

Each year administrative resources are allocated between the various Aetat county districts in accordance with the local labour market situation. When allocating managerial resources, account is taken into the size of the labour force, the number of unemployed and the prevalence and composition of specified target groups. Likewise, resources for active measures are allocated on the basis of the labour market situation and the prevalence and composition of specified target groups. Through these annual adjustments in resource

allocation Aetat is supposed to optimise its potential in implementing aims and performance requirements of current labour market policies.

To meet the challenges caused by the downturn in national economy and increasing unemployment Government and Parliament have increased allocations to Aetat during 2003 and 2004. Total budget increases facilitate Aetat's ability to reallocate its resources and redirect our efforts towards regions and groups mostly in need of our services. On this background Aetat has during the preceding years been able to adjust its efforts and activities to underpin the overall aims of employment policies.

Question C

Public and private employment services have co-existed in Norway for more than 3 decades. Initially private employment services were restricted to man-hire for clerical staff. Following amendments that went into effect 1 July 2000 private employment providers may render almost any kind of services including man-hire, placement and personnel selection/recruitment to all sectors.

Aetat does not exercise any control or supervisory functions versus private employment providers. The Directorate of Labour promotes good relations with the umbrella organisations of private employment providers. At local level Aetat's offices have excellent working relations with private providers when they need labour to accommodate demands from their own customers.

Question D

The role of social partners in the organisation and operation of employment services and in the development of employment services, were outlined by Aetat in 2003 (separate dispatch on 10 Dec. 2003). At national level and linked to the Directorate of Labour, a Public Employment Service Council has the role of advising Aetat and the Ministry on labour market policies and how they are implemented in Aetat. This Council will exist until the forthcoming establishing of the new State Agency for Work and Welfare in 2007. Aetat and The State Agency of Social Security are to merge into this new organisation.

Question E

The new Law on Labour Market Services coming into effect on 1 July 2005 will even more commit Aetat to ensure that employment services are available to all. E.g., by law the jobseeker will be entitled to an individual declaration of service, and users' co-determination will be enhanced. Jobseekers will in many respects enjoy the same formal rights as citizens that are parties to a conflict with the civil service.

The Committee points out that both indicators – the placement rate and the market share of public employment services – are indispensable for assessing country's compliance with Article 1/par 3. It therefore, repeats its request that the next report provides information on this point.

Still considering the number of vacancies that through in-house or other kinds of closed-market hiring are never made public, the Norwegian labour market is among the most transparent in Europe when it comes to publicly accessible information on vacancies. Through

various sources Aetat is able to collect and maintain a Vacancy database that is the most extensive and representative in Norway. Our vacancy base is open to the public 24 hours a day on Aetat's website www.aetat.no.

Continuous efforts are made to induce employers reporting their vacancies to Aetat. The legal basis to request employers to notify their vacancies to Aetat, has been kept in the new Law on Labour Market Services. Aetat is also developing its cooperation with private vacancy databases offering mutual linking access for users of private bases and www.aetat.no. Therefore, www.aetat.no is in effect the best source of information on vacancies in Norway. But there are limitations as to what extent Aetat can collect vacancies from private vacancy bases which have been collected by and/or reported to the private vacancy provider. In some cases private vacancy bases are also offering placement/recruitment services, and this situation means a further restriction on Aetat's collecting practices.

www.aetat.no is still the best source of information on the official vacancy market. Information on vacancies on the website, is however not to be seen as the "market share" of Aetat – the Norwegian public employment services. The market share is a wider term for Aetat's role in servicing the labour market placement rate, but still close to the concept of placement rate in relation to placement services rendered by private providers.

In a modern and complex labour market with the growing importance of self-service systems and specialised services at various stages, it is becoming increasingly difficult to assess the actual and direct intermediary role of public employment services and private providers in the placing of a jobseeker with an employer. In this respect, the situation in Norway is not different from other European countries. On the contrary, we would argue that Norwegian labour statistics are among the best in Europe.

Given the elaboration and qualifying remarks above, information on the Norwegian vacancy market is fairly representative. Furthermore, Aetat's role in providing services to employers and jobseekers is closely monitored through a well elaborated system of performance requirements and indicators. One of these indicators is Aetat's ability to present placeable jobseekers when employers directly submit vacancies to our local employment offices. In 2004 Aetat was able to present placeable candidates in relation to 83% of the vacancies that employers directly submitted to our offices (70% in 2003).

Article 5 The right to organise

Question A- E:

Reference is made to previous reports.

Article 6 The right to bargain collectively

Article 6 Paragraph 1

Reference is made to previous reports.

Article 6 Paragraph 2

Question A:

Reference is made to previous reports.

There have been two main negotiations during the reporting period 01.01.03 - 31.12.04. The Government and the main unions in the Civil Service concluded their wage negotiations (mellomoppgjør) pr 30.04.2003, cf. *enclosure 7* (PM 7/2003). The negotiations on a new Basic Collective Agreement for the period from 01.04.04 - 30.04.06 were concluded after mediation, cf. *enclosure 8* (PM 7/2004).

Below follows an account on the wage rounds in 2003 and 2004, based on reports from FAFO (Institute of Applied Sciences).

Wage settlements 2003:

The bargaining round in 2003 was an 'intermediate settlement', mainly entailing possible revisions to the pay levels set by the two-yearly agreements entered into in 2002. In most bargaining areas no general pay adjustments were agreed in 2003. In the private sector area covered by the Confederation of Norwegian Business and Industry (NHO) and the Federation of Norwegian Commercial and Service Enterprises (HSH), adjustments were made to the wages of low wage-groups and a framework was set for subsequent company-level bargaining, which was conducted as usual. However, the company-level bargaining parties were given the opportunity to postpone or ignore the pay adjustments made at the central level if necessitated by the financial situation of the company. Similar results were achieved in the negotiations in parts of the 'semi-privatised' NAVO bargaining area (except health personnel).

In the central state sector and the municipal sector, the social partners agreed not to negotiate central increases, nor to make central adjustments or pursue company-level bargaining in 2003. In both sectors, the partners also agreed to carry out wage negotiations in early 2004, if it became evident that wage developments among public sector employees were lagging behind developments in the private sector. These types of guarantees are relatively rare in Norwegian collective bargaining. The agreements further stipulated that the wage growth in the public sector was to be attuned to the average growth rate among blue- and white-collar workers in manufacturing industry. It thus seems that the trade unions in the public sector managed to gain acceptance for this new principle whereby wage growth in public and private sector is compared. White-collar workers had previously not been included among the groups setting the bargaining framework for wage formation in Norway (the so called 'trend-setting trades'), which had been a source of great frustration among public sector organisations, given that this group had witnessed a more favourable wage growth than blue-collar workers.

Wage settlements 2004

The 2004 bargaining round commenced in March with negotiations in manufacturing industry, the building sector and the textiles industry. The three collective agreements were negotiated jointly, which represented a novelty. LO and its affiliate, the Norwegian United Federation of Trade Unions (Fellesforbundet) thus managed to amalgamate negotiations in the traditional trend-setting metalworking industry and the low-wage textiles industry.

The central demand from LO/Fellesforbundet was the introduction of an agreement-based universal occupational pension scheme. Mediation failed to bring the parties closer together, but eventually the employers conceded on condition that such pension schemes should be

based on a statutory right applicable to all employees (not just those covered by collective agreements). Thus, the social partners sent a joint letter calling for legislative measures in this area to the Minister of Labour and Government Administration, who, in his response, stated that the government intended to place such a proposal before parliament in the autumn 2004.

In the deal reached on 1 April, the social partners agreed on a general wage increase of NOK 1.00 per hour. Workers subject to agreements which do not allow for subsequent company level bargaining would see an increase of NOK 1.50 per hour, while those subject to agreements setting a low average wage would see an additional increase of NOK 0.50 per hour.

The bargaining parties also agreed on new provisions regarding the hiring of labour from other manufacturers, the use of labour from labour-hiring companies, and the outsourcing of labour to others (subcontracting). The new provisions ensured that the company concerned will consult shop stewards on matters concerning the hiring and outsourcing of labour. In this regard, the social partners jointly emphasised the need to prevent 'social dumping', and to maintain decent pay and working conditions for workers hired out in these circumstances.

In the course of April, several more agreements were concluded in the private sector. This was the case in the construction sector, and other bargaining units covered by Fellesforbundet, as well as in retail trade and bus and freight transport.

In April negotiations in the wholesale sector between HSH and the Norwegian Transport Workers' Union, which is affiliated to LO, and the Union of Transport Company Employees and Confederation of Employees in the Private Sector, which are both member unions of the Confederation of Vocational Unions, ended in a strike by drivers and warehouse workers. The main trigger for the strike action was the unions' demand for higher wage increases for unionised employees than for non-unionised employees. The three unions sought an 'exclusive' increase of 1.4 % for unionised employees. The dispute ended on 24 May, following almost five weeks of strike action, with a compromise being reached, in the form of a joint fund to be used to strengthen support for trade unions at company level. By the end of the dispute, almost 800 union members had been out on strike and almost 1,200 were kept away from their work by a lock-out called in response by the employer side. There were shortages of goods and foodstuffs in many retail outlets and a significant number of employees were laid off, particularly in the food production industry.

Also during May, strike action was taken in four other private sector bargaining areas, covering journalists, hotel and restaurant workers, graphical workers and brewery workers. The most notable characteristic of these conflicts, and of the 2004 bargaining round, is the diversity of issues over which strike action was taken, because to only a limited extent traditional pay demands were the main source of conflict. In many areas disputes grew out of disagreement over 'issues of principle' such as pensions, temporary agency work practices and differential treatment of unionised and non-unionised employees.

Some 2,800 journalists took strike action on 12 May. Following 11 days of conflict, the employers accepted a compromise whereby the newspapers concerned accepted freezing pension schemes for the duration of the revised agreement – i.e. two years up to 2006. Improved opportunities for company-level pay bargaining for those who do not have occupational pension arrangements was also part of the final agreement, in addition to general wage increases.

In the breweries sector, around 2,500 employees went out on strike on 19 May, following the breakdown of negotiations between the Norwegian Union of Food and Allied Workers and the Federation of Norwegian Food and Drink Industry. Here too an issue of principle was at stake. The main point of dispute was a trade union demand for new rules regarding the 'hiring-in' of labour from external employment agencies, whereby union influence over when and to what extent such agency labour may be employed in the companies would be considerably strengthened. After three days a solution was found, with the employers pledging to cooperate closely with employees on matters concerning hiring practices, and a commitment that disagreements at company level on the interpretation of rules in agreements and the legal framework can be brought before the central social partner organisations.

The shortest strike of the bargaining round occurred in the hotel and restaurant sector, in negotiations between the Hotel and Restaurant Workers' Union and the Norwegian Hospitality Association. The action commenced on 12 May and ended two days later, with only a handful of employees out on strike. The dispute arose out of disagreement over the character of the proposed pay offer from the employer side, and the extent to which it reflected the 3.5% increase agreed in the pioneering manufacturing industry deal. Talks between the parties enabled a solution to be found on 14 May, with the employers agreeing to increase their offer, bringing the general pay increases into line with the result of the trend-setting manufacturing negotiation, in addition to increases for those on low wages.

Failure to agree on pay increases also led 560 members of the Norwegian Union of Graphical Workers (NGF) in 10 printing and reproduction companies to take strike action on 13 May. Following seven days of action, the Norwegian Federation of Visual Communications Enterprises accepted most of NGF's demands. Increases for those on low wages presented the greatest obstacle to reaching an agreement.

New collective agreements for the Norwegian central state and municipal sectors were concluded in May 2004. The settlements provided general pay increases for most employees, while funds have been set aside for local bargaining. The signatories estimated that the new agreements would generate wage growth of around 3.5% in 2004.

In the bargaining area covered by the NAVO employers' association for 'semi-privatised' organisations, a compromise agreement was reached on 5 June in negotiations in state hospitals. The deal provided for general wage increases and a rise in minimum pay scales and in various pay-related components. In contrast to the state and municipal sector, however, no funds were set aside for local bargaining. Doctors were not covered by this compromise agreement, while some smaller groups such as engineers and midwives reached different settlements.

In the bargaining rounds in the oil sector some agreements were renegotiated by the parties, while 3 negotiations resulted in strikes with subsequent interventions by compulsory arbitrations. These are described under paragraph 4 question F below.

The longest strike of 2004 involved 474 employees in elevator companies, which took strike action on 24 August in response to the employers' refusal to incorporate a stipulation in the collective agreement providing foreign workers the same wage and working conditions as Norwegian workers. The strike ended in January 2005 after a 5 months long strike, and will be reported on in our next report.

The average annual wage growth for all groups of employees was 3¾% from 2003 to 2004, according to the Technical Calculating Committee on Income Settlements. This is substantially lower growth than the 4.5% witnessed from 2002 to 2003.

Question B-C:

Reference is made to previous reports.

Article 6 Paragraph 3

Reference is made to previous reports.

Article 6 Paragraph 4

Question A:

Reference is made to Norway's 21st report regarding the various forms of collective action.

The Committee has asked that the report indicate whether a strike is possible outside the scope of the so-called peace obligation as set out in its Conclusions 2004, p. 404, e.g. to protest against collective redundancy or dismissal of a trade union representative.

On this point we note that the statutory "peace obligation" as laid down in § 6, No. 1, of the Labour Disputes Act (LDA), 1927 (and identically in the 1958 Civil Service Labour Disputes Act (CSLDA), § 20, No. 1) refers solely to disputes of rights concerning a collective agreement as such. Beyond this, pursuant to § 6, No. 3, LDA (and correspondingly § 20, No. 2) in substance there is no independent statutory "peace obligation", the restriction on recourse to industrial action being wholly contingent on whether a matter is actually covered by collective agreement regulation. Hence, there is nothing in the statutory provisions to preclude industrial action from being undertaken for purposes such as those referred to in the Committee's above question. A "peace obligation" in such cases will apply only if it arises out of a collective agreement, in accordance with the proviso of the Revised European Social Charter Article 6§4 *in fine*.

Further the Committee has asked whether workers who are not members of a trade union having called a strike have a right to participate in the strike and, in that case, enjoy the same protection as the others.

Here it must be noted that, as has been clarified through previous reports, within the ambit of the LDA there is no requirement of there being a formal trade union or organization giving notice to undertake industrial action (strike). Hence, any and all workers, whether members or not of a trade union that has called a strike, may themselves elect to call or join a strike; they are merely subject to the same procedural requirement of giving notice that applies in all cases. In practical terms, within the ambit of the CSLDA the same results from the provision in § 20 No. 4, of that act; i.e., once a union has called a strike, those not members may call or join.

In such cases, it should be taken for granted that workers not members participating in a strike enjoy the same protection as do members of the union initially having called the strike. No case of litigation to suggest otherwise is known to have occurred in practice.

Question B - E:

Reference is made to previous reports.

Question F:

Statistics on strikes and lockouts

Year	Ended Conciliations	Conflicts	Compulsory arbitration
2003	27	1	0
2004	126	22	3

As the above overview shows, compulsory arbitration was imposed on three occasions in 2004. All of them refer to the oil sector.

In the following we give an account of the individual interventions and our view that the interventions fall within the bounds of the Revised Social Charter Article G.

Case No. 1 Federation of Oil Workers' Trade Unions (OFS) and Norwegian Oil Industry Association (OLF)

and

Case No. 2 Organisation for Managers and Executives, Norway, (OME), and Norwegian Oil Industry Association (OLF)

The disputes arose in connection with the 2004 revision of the agreements for employees on fixed installations on the Norwegian continental shelf.

The negotiating parties were:

On the employees' side:

- Federation of Oil Workers' Trade Unions (OFS), which is affiliated to the Confederation of Vocational Unions (YS).
- The Organisation for Managers and Executives, Norway, (OME), is an independent interest organisation for employees with management tasks and executive responsibility.
- The Norwegian Oil and Petrochemical Workers' Union (NOPEF), which is affiliated to the Norwegian Federation of Trade Unions.

On the employer side was the Norwegian Oil Industry Association (OLF). OLF is affiliated to the Confederation of Norwegian Business and Industry (NHO).

OLF conducted parallel negotiations with OFS, OME and NOPEF, and reached an agreement with NOPEF, while OFS and OME, broke off the negotiations on 24 May. The parties were summoned to mediation. The mediation was unsuccessful and OFS and OME went on strike on 18 June 2004.

OFS called out 152 members, distributed across four rigs, on strike, while OME called out 55 members on two of the same rigs. On 20 and 23 June the strike was escalated when OME called out another 15 members and OFS 16 more members on two of the rigs. From the same date notice was given from both OFS and OME that more members would be called out from

27 June. Meanwhile OLF announced that the members of OFS and OME not on strike would be locked out from 28 June 2400 hrs.

The announced lockout would result in a total halt of the entire production of oil and gas at all fields on the Norwegian continental shelf. A labour conflict affecting the entire Norwegian continental shelf was estimated to entail a monthly reduction in the production value of crude oil, NGL and natural gas of the order of NOK 31 billion based on the oil prices in effect in summer 2004. The trade balance would deteriorate by the same amount. The shortfall in accrued taxes and duties was valued to about NOK 16 billion per month. In addition, revenues from the State's direct economic participation in the petroleum sector were estimated to fall by about NOK 9 billion per month. The entire reduction in accrued duties and receipts from the State's direct economic participation in the petroleum sector would come in 2004. Direct taxes accruing from petroleum operations would be paid in accordance with the rules governing tax payable by instalments, one half in the autumn of 2004 and one half in the spring of 2005.

The anticipated deterioration of the trade balance and the shortfall in government revenues were of a scale that would have huge significance for the Norwegian economy. A labour conflict of any duration would have very serious consequences.

Norwegian natural gas is delivered on the basis of long-term sales contracts, and the announced extension of the conflict would mean that delivery contracts could not be honoured. A labour conflict would have extremely negative consequences for Norway's credibility as a highly reliable gas supplier.

Norway exported approximately 170 million Sm³ gas daily in 2004. In all Norway was expected to export about 75 billion Sm³ in 2004, making up to nearly 15 % of the gas supply to Europe. In some areas, e.g. in Germany, Norwegian gas holds a share of the market of close to 30 %. A substantial part of the gas is used in households. Although a halt in Norwegian gas deliveries would not have been as serious as during the winter, the consequences would nevertheless be serious. A total stop in the Norwegian gas export was expected to cause considerable increases in gas prices, and lead to considerable turmoil in the European gas market, where Norway is an important actor and stakeholder.

The situation in the oil market in 2004 was characterized by volatile and very high oil prices (35 USD/barrel). The Norwegian oil production in the summer of 2004 made up to about 3.3 million barrels per day. Norway being the world's third largest oil exporter with an export of about 3.1 million barrels per day, a full stop in the production on the Norwegian shelf would have a dramatic effect on the oil prices. In 2004 the available oil production capacity worldwide was about 1.5 million barrels per day, which was a historically low level, and a persisting absence of Norwegian oil production could consequently not be substituted by using free capacity in other oil producing countries.

Against this background the government concluded that the labour disputes between OLF on the one hand and OFS and OME on the other hand had to be resolved without further industrial action. By provisional ordinance 25 June 2004, it was decided that the disputes should be settled by compulsory arbitration by the National Wages Board. The decision to terminate the conflict by compulsory arbitration was based on the conviction that the consequences of a halt in the production on the Norwegian continental shelf would lead to circumstances, in Norway and abroad, that would be detrimental to public interest, and therefore within the scope of Article G of the Revised Social Charter.

Case No. 3 Federation of Oil Workers' Trade Unions (OFS) and the Norwegian Shipowners' Association (NSA)

The dispute arose in connection with the 2004 revision of the agreement for employees on mobile offshore units and personnel on drilling platforms.

The negotiating parties were:

On the employees' side:

- Federation of Oil Workers' Trade Unions (OFS)
- The Norwegian Oil and Petrochemical Workers' Union (NOPEF)
- The Coadjutant Organisations (DSO), consisting of the Norwegian Maritime Officers Association and the Norwegian Association of Marine Engineers.

On the employers' side was the Norwegian Shipowners' Association (NSA).

NSA conducted parallel negotiations with OFS, NOPEF and DSO, and reached new agreements with NOPEF and DSO on 9 June, while OFS broke off the negotiations. NSA and OFS were summoned to mediation. The mediation was unsuccessful and ended on 1 July. OFS went on strike on 2 July 2004.

OFS called out 142 members, distributed across three rigs, on strike from 2 July. From 13 July to 12 October the conflict was escalated on several occasions, by OFS calling out further members on strike, and NSA by locking out members not already on strike. On 25 October NSA announced lockout for all members of OFS not already on strike from 8 November. NSA also announced a sympathy lockout of employees on 94 offshore service vessels and shuttle tankers to be put into effect from the same time.

On 25 October the conflict, which started on 2 July and had been extended several times, had caused a stop in operations on 9 drilling and production installations, a reduction in oil production of about 55 000 barrels per day and delay in prospective drilling. The announced sympathy lockout would bring about more dramatic effects. If it was put into force, the entire production of oil and gas on the Norwegian continental shelf would come to a halt within 5–7 days. The economic and social consequences of a halt in the production of oil and gas would be of the same dimensions as explained in the case of the dispute between OFS/OME and OLF referred to above. The gas export from Norway had however increased to 230 million Sm³ per day. Furthermore, the price on North Sea oil was even higher (about 50 USD/barrel). In addition a strong growth in demand, small stocks of oil and little available production capacity contributed to the high prices. At that time OPECs available capacity was estimated to 1 million barrels per day, which was not by far sufficient to replace the Norwegian oil production, which was estimated to 3.2 million barrels per day.

The situation between the parties was deadlocked. Despite several mediation attempts during the conflict it had not been possible to bring the parties in the nearly four month long conflict to terms. The announced sympathy lockout would have intolerable consequences, as described. On 29 October the Government put forward a bill to our Parliament proposing the dispute to be solved by compulsory arbitration. The bill was adopted by Parliament and by Act of 3 December 2004 the dispute between OFS and NSA was referred to the National Wages Board for settlement.

The Committee reconsiders the question of peace obligation. It recalls that, in the Norwegian system of industrial relations, collective agreements are seen as social peace treaty of fixed duration during which strikes are prohibited. The Committee has asked that the next report indicate whether a strike is possible outside this framework e.g. to protest against a collective redundancy or dismissal of a trade union representative.

On this point we note that the statutory "peace obligation" as laid down in the 1958 Civil Service Disputes Act, § 20, No. 1, refers solely to disputes of rights concerning a collective agreement as such. Beyond this the Civil Service Dispute Act § 20, No. 2 in substance there is no independent statutory "peace obligation", the restriction on recourse to industrial action being wholly contingent on whether a matter is actually covered by collective agreement regulation. There is nothing in the statutory provisions to preclude industrial action from being undertaken for purposes such as those referred to in the Committee's above question. A "peace obligation" in such cases will apply only if it arises out of a collective agreement, in accordance with the provisions of the Revised European Social Charter Article 6§4 in fine.

The Committee has also asked whether workers who are not members of a trade union having called a strike have a right to participate in the strike and, in that case, enjoy the same protection as the others.

Here it must be noted that, as has been clarified through previous reports, within the ambit of the Labour Dispute Act there is no requirement of there being a formal trade union or organization giving notice to undertake industrial action (strike). Any and all workers, whether members or not of a trade union that has called a strike, may themselves elect to call or join a strike; they are merely subject to the same procedural requirement of giving notice that applies in all cases. In practical terms, within the ambit of the Civil Service dispute Act, the same results from the provision in § 20 No. 4, of that act; i.e., once a union has called a strike, those not members may call or join.

In such cases, it should be taken for granted that workers not members participating in a strike enjoy the same protection as do members of the union initially having called the strike. No case of litigation to suggest otherwise is known to have occurred in practice.

Article 7 The right of children and young persons to protection

Article 7 Paragraph 1

Question A-C

Reference is made to previous reports

In its Conclusions 2004, the Committee asked for further information on whether the rules apply to children working in family enterprises as unpaid helpers.

The provisions of WEA Chapter IX on minimum age of admission to employment also apply to children working in family enterprises as unpaid helpers.

Article 7 Paragraph 2

Question A-C

Reference is made to previous reports.

In its Conclusions 2004, the Committee requests further information on the legal basis for exemptions from the rules that young persons under 18 may not be permitted to undertake work that is potentially dangerous or unhealthy, except when it is absolutely necessary for vocational training.

Section 8 and 9 of Regulations of 30 1998 relating to Work by Children and Youths prohibits persons under 18 years of age to undertake work that is potentially dangerous or unhealthy. Section 10 allows derogations from the prohibition when the work is a part of their vocational training. In these cases, youths between 15 and 18 years who are not attending compulsory education may undertake work listed in section 8 litra b to d and section 9 first paragraph litra b to r.

Under the same conditions, youths between 16 and 18 years who are not attending compulsory education may undertake work listed in section 9 first sentence litra a (work that may lead to exposure to ionizing radiation) when the exposure does not exceed 5 mSv over a period of twelve months. The irradiation of single body organs shall not exceed 50 mSv a year for lenses in the eye and 150 mSv a year for skin, hands and feet.

Youths that are over 17 years may get practical training in the use of work equipment listed in section 9 first sentence litra s to w, provided that the training is given in accordance with regulations of 26 1998 relating to the use of work equipment chapter VIII.

The employer is obliged to take into consideration the experience and maturity of each worker when organising and arranging the work. In addition, the employer must implement necessary measures in order to safeguard their safety, health and development.

The employer must make sure that youths that are undertaking such work are under sufficient supervision by an experienced and competent person.

An employer employing persons less than 18 years of age must keep a register of these persons, see section 15.

A copy of the Regulations relating to Work by Children and Youths is enclosed. The regulations are only available in Norwegian. (*Enclosure 9*)

Article 7 Paragraph 3

Question A-C

The obligation to undergo primary and lower secondary education applies to children from the age of 6, and has a duration of 10 years. In result, education in general ceases to be compulsory at the age of 16.

There are exceptions to this general rule in the form of limited possibilities to start school at the age of 7 or to skip a school year and go straight forward to the next level. In some special cases a pupil can also be exempted from parts or all of the compulsory education. In consequence, there can in rare cases be variations regarding the age at which education is no longer compulsory.

Furthermore, reference is made to previous reports.

In its Conclusions 2004, the ECSR requests further information on the supervision on early morning work for children still subject to compulsory education.

The supervision of the rules prohibiting night work for children subject to compulsory education and the control of enterprises employing these children is under the authority of the Labour Inspection Authorities. Early morning work will be prohibited in cases where the authorities find the early morning work detrimental to the employee's health development and schooling. Early morning work for this group of employees is primarily used in connection with distributing newspapers. A survey amongst the largest newspaper agencies in connection with the implementation of EC directive 94/33/EF (on the protection of young workers) showed that the use of children under the age of 15 for early morning work was rare during school terms, but increased during summer holidays.

The ECSR also asks for further information on the system in place for regulating the work for children in cultural, artistic, sports or advertising activities, and the nature of these activities.

According to WEA section 35 first paragraph litra c, children who are under the age of 15 or who are attending compulsory education may be employed in cultural or similar activities. The Directorate of Labour Inspection Authority have issued further rules and conditions concerning this type of work in section 6 of Regulations relating to Work by Children and Youths. Before children can undertake this kind of work, the employer must obtain permission from The Labour Inspection Authority. Permissions are only given when it is not detrimental to health or safety. The children's age combined with the nature of the activity will be considered before permissions are given. The Labour Inspection Authority supervises and controls enterprises employing children. The applications for permission mainly come from cultural institutions such as theatres, musical productions and opera, where children participate in the performances.

In its Conclusions 2004, the ECSR refers to the previous Norwegian reports and concludes that Norway has failed to establish compliance with this provision as concerns the rest period during summer holiday.

Norwegian legislation states that persons subject to compulsory education must take 4 weeks off during school holidays, out of which 2 weeks must be taken during summer holiday. The ECSR, however, held that the rest period must cover at least half of the holiday period for children still subject to compulsory education.

Norwegian legislation grants 4 weeks rest period on annual basis for children subject to compulsory education, whereas 2 weeks have to be taken during summer holiday. There are no indications that the Norwegian legislation on this issue has led to negative effects on the children's possibility to get full benefit of their education. Norway is in the fortunate situation that children's participation in working life is not necessary for the economical benefit of the family. Consequently the outcome of children's work during summer holidays is mainly for the provision of their own pocket money. The amounts of jobs suitable for

children are limited, due to the restrictions in the WEA. There is therefore competition among young people to obtain these jobs, and getting one is highly regarded.

There have been no amendments in this legislation since the last report. Since there are no indications that the legislation has negative effects on children's possibility to get full benefit of their education, there are no proposals for amendments in this field. In our next report we will give further information on provisions pursuant to the new WEA, which will come into force 1 January 2006, as new regulations are not yet provided.

Finally we refer to the 20th Norwegian report where we informed that Norway, being a member of the EEA Agreement has fully implemented Council Directive 94/33/EC on the protection of young people at work.

Article 7 Paragraph 5

There is no legislation on minimum wages in Norway. Wages are decided either in individual agreements or in collective agreements. In order to meet the ECSR's request for information, we have provided more exact information on wages. On our request the National Statistics Bureau, Statistics Norway, provided statistics on average wages for fulltime employees aged less than 20 years compared to employees over 20 years.

The average wage in the 1st decile for fulltime employees (fulltime equivalents) aged below 20 years and 25 years and over. NOK. 2002.

	Below 20 years (A)	25 years and over (B)	A/B (per cent)
Average gross wage	124 100	204 800	61
Average net wage	97 000	152 000	64
Net/gross (per cent)	78	74	

Source: Statistics Norway

The table shows that in 2002 the average gross wage for employees aged below 20 years in the 1st decile amounted to 61 per cent of the average wage for employees 25 years and over in the same decile. The average net wage amounted to 64 per cent.

We want to call attention to some factors that one should bear in mind interpreting the table. In our opinion these factors also weigh heavily against a further splitting up of the 1st decile:

Apprentices are included in Norwegian wage statistics. We refer to our earlier information on the wage system for apprentices. According to Statistics Norway apprentices are overrepresented in deciles comprising employees with low wages. Interpreting the wage figures for young employees in the 1st deciles this should be taken into account. Moreover, the limits set for wages included in the wage statistics may influence upper and lower deciles in the wage groups. The fact that the wage statistics are collected in the 3rd quarter may distort the representation of employees in the youngest age group compared to other quarters due to exams etc. in the autumn.

The Ministry regretfully did not receive these statistics from Statistics Norway before the 15.th of January 2004. The information was forwarded to the Secretariat by our letter 20.th of January 2004. *See enclosure 10.*

Article 7 Paragraph 6

Question A

According to the Education Act (Act relating to Primary and Secondary Education) *Section 4-4 second paragraph* “the training establishment shall attach importance to creating a good working and learning environment. Apprentices’ and trainees’ working hours and school hours shall together not exceed the number of working hours applying to other employees in the trade.”

Question B

Reference is here made to relevant paragraphs of the Education Act which reads as follows:

Section 4-1: “For the purposes of this Act, an *apprentice* is defined as a person who has entered into an apprenticeship contract with a view to taking a trade or journeyman’s examination in a trade that requires apprenticeship in accordance with regulations issued pursuant to section 3-4. Pursuant to this Act, a *trainee* is defined as a person who has entered into a traineeship contract with a view to taking a less extensive examination than a trade or journeyman’s examination.”

Section 4-2 first paragraph “Apprentices and trainees are employees of the training establishment with rights and obligations pursuant to legislation and collective agreements; see however section 4-6, final paragraph.”

Section 4-6 final paragraph: “The apprenticeship or traineeship contract may not be amended or rescinded in any other way than in accordance with this section. Exceptions apply to apprentices during the probationary period pursuant to section 4-5, third paragraph.”

Section 4-5 third paragraph: “Apprentices who have reached the age of 21 years and who enter into an apprenticeship contract involving full apprenticeship training, cf. section 3-3 sixth paragraph, shall be subject to a probationary period of six months. A written apprenticeship contract shall be entered into within a month after the commencement of the apprenticeship. During the probationary period both the training establishment and the apprentice may terminate the apprenticeship. The provisions laid down in sections 58 and 63 of Act No. 4 of 4 February 1977 relating to Worker Protection and the Working Environment shall apply even if the apprentice has not been appointed in writing with a specified probationary period.”

Apprentices and trainees are considered as employees in the company and are paid accordingly, as stipulated in the wage agreement for the trade concerned. However, in this context a distinction is made between the period of training spent in the company, during which the apprentices and trainees may not receive wages, and the period of work participation where he or she takes part in the productive activities of the enterprise

Question C

The measures described do not apply to young people who do not make use of their statutory right to upper secondary education.

Question D

Workers are covered by Act 04.02.1977 No. 4 relating to Worker Protection and the Working Environment (WEA).

Question E

The relevant legislation and regulations are implemented in practice by different kinds of information.

Furthermore, reference is made to previous reports.

In Conclusions 2004 the ECSR asks the number of young workers who choose to work instead of making use of their right to upper secondary education, and whether they have the right to vocational training paid as working time, either through statutory provisions, collective agreements or by other means.

The Ministry of Education and Research informs that the dropout rate from upper secondary education is about 25 %. Reference is also made to tables 2 and 12 in *enclosure 3 and 4*, which shows the labour force by age and the unemployment rate by age. Further statistics are regrettably not available.

Young workers have no right to have a full general vocational education paid as working time. According to collective agreements within most sectors however, the employer is obliged to pay for any type of training that employees need to handle their job. It is up to the discretion of the employer to decide whether training is needed. Chapter 16-3 of the basic agreement in the private sector is formulated as follows:

“Each enterprise must present its objectives for future development as a basis for charting the qualifications needed. Cooperating with the employees, it will be the enterprise that is responsible for charting and initiating necessary measures. Charting must normally be updated once a year. Wherever there is a gap between existing competence at the enterprise and its future needs, this should be covered by appropriate training measures or other means.

The costs of supplementary and further education must be borne by the enterprise.”

Similar chapters exist in the basic agreements in other sectors.

Article 7 Paragraph 7

Reference is made to previous reports.

Article 7 Paragraph 8

Reference is made to previous reports.

In its Conclusions 2004, the ECSR asks for information on the implementation of legislation raising the age limit for the prohibition of night work, to include young workers aged 18.

The legislation referred to is § 11 concerning night work for young workers onboard ships in the Act No. 50 of 3 June 1977 relating to working hours onboard ships. § 11 states that young workers under 18 must not perform work between 20.00 p.m. and 08.00 a.m. to a larger extent than that they are able to have at least 9 hours time off during that period. The amendment was adopted in June 2002.

The ESCR also asks the exact proportion of young workers between 17 and 18 years old that perform night work.

We regret that there is no available statistics on this issue.

Article 7 Paragraph 9

Reference is made to previous reports.

Article 7 Paragraph 10

There are three important amendments, either already implemented or in process, in the legislative measures taken to protect children and young persons against all forms of violence, exploitation and ill-treatment.

1) By Act of 20. May 2005 no. 29 a new section 204 a in the Penal Code was adopted in order to strengthen the protection against sexualised presentations of children (so-called child pornography). Several ways of dealing with such material were already criminalized, but the new section is more far-reaching as it comprises acquisition and systematic acquaintance with child pornography. Child pornography of all kinds (pictures, text, sounds etc.) are covered on an equal footing, compared to earlier when pictures were seen as more serious than other media. These expansions are effective instruments for combating child pornography on the Internet.

With regard to child pornography, the provisions of section 204 have been transferred to the new section 204a, which reads as follows:

“§ 204a. Any person who

- a) produces, acquires, imports, possesses, delivers to another person or for payment or systematically acquaints himself with presentations of sexual abuse of children or sexualised presentation of children,
 - b) deals with presentations of sexual abuse of children or sexualised presentations of children in any other way mentioned in section 204 first paragraph, or
 - c) induces any person under 18 years of age to allow pictures of himself or herself to be taken as a step in a commercial presentation of moving or non-moving pictures of a sexual nature, or produces such presentations depicting any person under 18 years of age,
- shall be liable to fines or to imprisonment for a term not exceeding three years.

Children are defined as persons who are or appear as under the age of 18 years.

Any person who negligently commits an act specified in the first paragraph, items a to c shall be liable to fines or to imprisonment for a term not exceeding six months. The same penalty shall apply to any proprietor or superior who wilfully or negligently fails to prevent the commission in any activity of any act specified in this section.

A penalty pursuant to this provision may be remitted for a person who takes and possesses a picture of a person aged between 16 and 18 years, if that person has consented and they are about equal as regards age and development.

Section 204 second paragraph second sentence and fourth paragraph shall apply correspondingly.”

Please find enclosed for your reference a copy of section 204.

2) The Penal Code is currently undergoing a complete revision which will result in an entirely new penal code. In this process, all existing provisions, including those concerning violence, ill treatment and abuse of children, will be considered.

As part of the ongoing reform of the Penal Code a separate provision will be considered in order to establish as an aggravating factor in sentencing that children have been exposed to violence against close relatives.

3) By act of 4. July 2003 no. 76 the Penal Code was amended to establish a new paragraph in section 220 which makes it a punishable offence to marry someone under the age of 16 years or being accessory thereto. This provision was part of a plan of action to combat forced marriages. The same act established a new paragraph in section 222 of the Penal Code, stating explicitly that forced marriage is a punishable offence.

Reference is made to previous reports concerning further information on this paragraph.

Article 12: The Right to Social Security

No decisions have been made by courts concerning the application of this Article of the revised Charter.

Article 12 Paragraph 1

The Norwegian National Insurance Scheme is a comprehensive system which in practice covers all persons who are residing or employed in Norway etc, i.e. for any practical purposes 100 per cent of the population. Exemptions are limited to such categories of persons as e.g. foreign diplomats stationed in Norway, workers posted in Norway who remain insured in their home country according to provisions of an agreement between Norway and that country on social security or who have been exempted upon application. On the other hand, as a certain number of persons residing abroad will have a similar affiliation to Norway, the actual number of insured persons may in fact just as well exceed 100% of the actual population. We have no precise statistics of these groups, but it can fairly be estimated that both comprise approximately 25 000, or about 0.5 per cent of the total population.

The Norwegian National Insurance Scheme, seen in conjunction with the Family Allowance Scheme, comprises all branches of Social Security. Reference is made to the enclosed survey "The Norwegian Social Insurance Scheme", which also gives relevant information as to the more specific nature of the system and its various branches, its financial arrangement, the level of the different benefits and the conditions for entitlement to them. Reference is also made to what is said under Article 12 para. 2 below.

Article 12 Paragraph 2

The European Code of Social Security and its Protocol is ratified by Norway. Norway has accepted all parts of the Code with the exception of Part VIII - Maternity Benefit. The latest detailed report on the application of the Code and its Protocol covers the period up to 30 June 2001. The latest general report on the application of the Code and its Protocol covers the period up to 30 June 2004. The latest report on the non-ratified part covers the period from 1 July 2002 to 30 June 2004. As far as we are able to discern, there is no branch of the Norwegian social security system, including the non-accepted part, which does not fulfil the level provided for by the Code. Reference is made to the conclusions of the committees in charge of the supervision of the accepted and not-accepted parts of the Code. Reference is also made to the enclosed survey "The Norwegian Social Insurance Scheme" (*enclosure 11*),

which i.a. gives relevant information as to the level and the qualifying conditions of the different benefits.

Reference is moreover made to previous reports.

Article 12 Paragraph 3

Question A and B.

Reference is made to information given under para. 2 and the enclosed survey (*enclosure 11*), in addition to the following remarks:

The basic amount, which is fundamental to the long-term benefits in the social security system and which also is of importance for determining the level of other benefits, was increased from NOK 56 861 to NOK 58 778 per 1 May 2004. The average increase from 2003 to 2004 was 3.8 per cent, well above the inflation rate.

The average inflation rate (consumer prices) was 2.5 per cent in 2003 and 0.4 per cent in 2004.

Reference is moreover made to the Council of Europe documents CS-CO(2005)5 Appendix IX and CS-CO(2005)1 Appendix XI point III as far as the Protocol is concerned, and to the annual general reports on the Code submitted to the CoE each year in the month of July.

We have following comments to the amendments in the National Insurance Act, Chapter 4 (unemployment benefit), which came into force 1. January 2003, mentioned in our last report:

- *The maximum benefit period was reduced from 156 weeks to 104 weeks.*

Statistics show that only 9 per cent of the unemployed who were granted unemployment benefit in 1997 had a duration period over 2 years. Norwegian and international surveys indicate that a transition from unemployment to work increase with 30 to 60 per cent when the period on unemployment benefit is running out. The reduction of the unemployment period from 3 years to 2 years will probably increase transition from unemployment to work in the end of the 2 years period. The unemployed still without work after 2 years on unemployment benefit, are entitled to unemployment assistance paid by Public Employment Service. This unemployment assistance is based on the previous unemployment benefit. The unemployed has to apply for unemployment assistance and stricter activation requirements are applied.

The maximum benefit period for those who has had a low income was reduced from 78 to 52 weeks. This amendment came into force by 1. January 2004.

- *The holiday supplement of 9.5 per cent of unemployment benefits received the preceding was abolished.*

The holiday supplement was based on the unemployment benefit received the preceding calendar year, and it was therefore normally paid out a year after the unemployment period. Most of the unemployed were at that time in a new job. The holiday supplement had therefore none effect as a labour market measure and it had also minor importance as a welfare contribution.

- *The amount of the income for work earned in the preceding calendar required for entitlement to unemployment benefit was raised from 1.25 to at least 1.5 basic amount.*

Unemployment benefit should first and foremost give temporary income security for unemployed who earlier have had a firm and real connection to the working life, and which living depended of income from work. Income under 1.5 basic amount is far beyond an average income, and unemployment benefit from such an income will not fulfil their need for income. Groups with such an income will depend on other resources than unemployment benefit to secure their means for living.

- *The condition that working hours must have been reduced was raised from 40 to 50 per cent compared to the previous requirement.*

The purpose of the unemployment benefit system is beside to be a social security benefit, to give incentives to apply for work. Experiences from Public Employment Service show that it is difficult to find new work for jobseekers working part time. By increasing the demand of reduced working time to obtain unemployment benefit, we suppose the possibility for part time workers to get more work or new jobs will increase.

- *The waiting period for granting unemployment benefit to a registered unemployed has been increased from three to five of the last fifteen days (not ten days as mentioned in our last report)*

The purpose of a waiting period is meant to be a sort of personal contribution from the unemployed, and should motivate the unemployed to search for a new job. An increase in the waiting period from three to five days will stress this, and will for most of the unemployed be of minor consequence.

- *The period a person can receive unemployment benefits during layoffs is from 1. January 2002, reduced from 52 weeks during an 18 months period to 26 weeks during an 18 months period.*

The reason for a reduction of the period a person can receive unemployment benefit during lay-offs was that it was too easy for an employer by lay-offs to release himself for his obligations to pay wages and overwhelm his obligations to the unemployment benefit system. Further, unemployed persons on lay-offs are still employees, and they are therefore not willing, without strong pressure, to accept another job offer.

By a temporary regulation the period a person can receive unemployment benefit with lay-offs has been extended from 26 to 42 weeks. This regulation has been in force from 1 July 2003, it has been renewed twice, and will expire 31 December 2005.

The Committee is describing the changes in conditions and duration of unemployment benefits and requests "that the next report explain in detail the reasons for these changes, the aims pursued and its effects in practice." It furthermore wishes "to receive estimates of the number of unemployed persons who have become ineligible for benefits or have exhausted their rights due to the reduced benefit period." "It also wishes to know what measures are being taken for the social protection of the persons affected in this way."

In its budgetary proposal for 2003 the Government proposed to change the requirements and duration to acquire and uphold unemployment benefits. The main reasoning of the Government for setting a maximum 2 years' period for upholding unemployment benefits was

the fact that being unemployed for more than 6 months drastically reduces the chances of re-entering the labour market.

On this background the Government already as from 2002, instructed Aetat to intensify its follow-up on ordinary jobseekers. On the basis of the first meeting at the local offices, a plan of action is developed, taking into account the employability of the unemployed. Access to skills upgrading is normally granted after a 3 months' period in which the jobseeker, by utilising Aetat's self-service systems, is to look for new employment at his own initiative. If the jobseeker does not succeed to find a new job during the first 3 or following months, Aetat is stepping its services and contacts with the jobseeker.

As from 2003 Aetat received additional resources to intensify its follow-up on jobseekers. During 2003 and 2004 respectively 70% and 73% of the jobseekers found a new job. For the same two years only 7% (2003) and 6% (2004) of the jobseekers were not able to find new employment during the calendar year.

Jobseekers are also fairly satisfied with regard to the services that Aetat is able to provide. In 2003 69% of the jobseekers were satisfied with Aetat's provision of services. For 2004 72% of the jobseekers expressed their satisfaction with our services.

Taking into account the new benefit provisions and simultaneously the notable increase of registered unemployment in 2003 and 2004, Aetat has been able to keep the number of jobseekers who have exhausted their benefit entitlements, at a low level: In 2004 a continuous average of 1 377 job-seekers received a "Pending Benefit" based on the lowest levels of unemployment benefit compensation. This figure rose from a continuous average of 867 "Pending-benefit-receivers" in 2003.

In 2003 app. 447 000 and for 2004 app. 466 400 job-seekers registered with Aetat. In view of the increasing labour market problems during 2003 and 2004, Aetat can report that the changes in benefit entitlements have not had the negative repercussions that were predicted. In addition, when state income-based benefits are exhausted, the municipalities are providing social grants and disbursements. Henceforth, Norwegian authorities at state and local level are meeting its responsibilities to ensure a minimum level of social protection.

Article 12 Paragraph 4

Question A.

Reference is made to the enclosed survey Section 18 (list of bilateral and multilateral agreements on social security) and previous reports. All agreements entail provisions on equal treatment of nationals and aggregation (accumulation) of benefits. (*See enclosure 11*)

During the report period Norway has signed an agreement entailing that the previous agreement with the former Yugoslav Republic shall apply between Norway and Serbia and Montenegro.

A new multilateral agreement (Nordic Convention) between Denmark, Finland, Norway, Iceland and Sweden was signed in Karlskrona 18 August 2003. It entered into force 1 September 2004 and replaces the former Nordic Convention of 15 June 1992.

A bilateral agreement on medical care during temporary stay between Norway and Australia entered into force 1 March 2004 (signed 28 March 2003).

The EEA Agreement was extended to 10 new states (Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia, Slovakia and the Czech Republic) from 1 May 2004 (at the same time as the enlargement of the European Union). It now comprises 28 European states.

A new bilateral agreement on social security between Norway and the United States of America entered into force 1 September 2003 (replaced the former Agreement of 13 January 1983).

Negotiations are under way with Israel.

Question B.

Equality of treatment is provided throughout Norwegian social security legislation, with a few exceptions mainly concerning foreign citizen seafarers not residing in Norway or comprised by the EEA Agreement, the Vaduz Convention or the Nordic Convention. (Seafarers not subject to the National Insurance Act are covered by the Seafarers Act of 30 May 1975 which is under the Ministry of Trade and Industry).

As previously underscored, please observe that all insured persons residing in the Norwegian Realm are subject to equality of treatment, regardless of citizenship (nationality) under the social security legislation.

As far as we are concerned, the notion of “aggregation of periods” is only relevant in the ambit of agreements. It is not to be found in our national social security legislation.

Reference is moreover made to previous reports.

Question C

The length of the prescribed periods of residence before nationals of Contracting (and Non-Contracting) Parties become eligible for benefits which are granted independently of contributions are the same as for Norwegian nationals. With regard to pension benefits (old age, invalidity and survivors) the required period varies from 3 years (persons residing in Norway or a country with which we have an agreement covering this category of people) to 20 years (persons residing outside Norway or a country with which we have an agreement as mentioned). The prescribed period must have been completed between the year the person concerned becomes 16 years of age and the year in which he becomes 66. Reference is moreover made to previous reports and the enclosed information survey (*enclosure 11*).

Prior to the extension of the European Union on 1 May 2004, the Norwegian government carried out a cross-sectoral study on the requirements and eligibility of public welfare grants/benefits.

With the exception of course fees and some benefits for people undergoing occupational rehabilitation, the eligibility of Aetat benefits are dependent on minimum levels of prior

income earnings in Norway. In the former case the eligibility to e.g. fees is based on having a residence permit in Norway.

Article 13: The Right to Social and Medical Assistance

Article 13 Paragraph 1

Question A

Reference is made to previous reports for a description of the Norwegian social assistance system. There have been no major changes in the individuals' right to social assistance benefits in the reference period, 01.01.2003 – 31.12.2004. The national guidelines on reasonable amounts for the level of social assistance benefit was revised January 2004, see question B.

Question B

The social assistance benefits may be given as cash payment, as a loan or in kind, depending on the assessment of the individual's situation. Cash payment is the far most common way of covering basic needs. Loans are normally given when there is reason to believe that the economic situation of the person in question will improve in the near future. Benefits may be given in kind when there is a reason to believe that money given for specific subsistence purposes will be spent otherwise (for instance on drugs).

The provisions in the Social Services Act concerning services and measures apply to everyone staying in Norway. All persons lawfully staying in the territory are covered by the Social Services Act and are eligible for receiving social assistance benefits without any limitations based on length of residence. However, the principle rule is that no person (regardless of nationality) has the right to social assistance if he or she is able to secure adequate resources from other sources or means of income, in Norway or from any other country.

There are regulations limiting the right to financial support, which is only granted to persons who are lawfully staying in the country. Illegal immigrants only have the right to emergency social assistance until they, according to regulations of immigration, are obliged to leave the country. Non-nationals who are merely lawfully present in the territory, but not staying, are eligible for emergency social assistance until they are able to leave. Emergency social assistance benefits is granted if no other benefits apply and the person has no other means of support. Emergency benefits can be given to cover patient charges. However, since medical assistance most often is offered without questions asked about current payment ability, and since the main rule is that social assistance cannot be obtained to cover debts, such emergencies will be rare. Prescription drugs might be items of expenditure that could be covered by social assistance benefits in emergency situations.

The Nordic Convention on Social Assistance Benefit and Social Services secures that citizens from or permanent residents in other Nordic countries are covered by the Social services Act, and have the rights to social assistance benefits when they are present in Norway. The duty to assist starts when a person arrives to the actual Nordic country (municipality).

The number of recipients of social assistance benefit, including recipients of introduction benefit for newly arrived immigrants, was 135 380 in 2003. Total expenditure on social assistance benefit this year, including the introduction benefit, amounted to NOK 5.0 billion. Average monthly benefit was NOK 7 328, and the average duration of benefits was 5.2 months this year.

The figures for 2003 include recipients of introduction benefit for newly arrived immigrants. The figures are therefore not directly comparable to figures provided for previous years. The figures for 2004 are not yet ready. Figures for 2004 will be available from the Statistics Norway on www.ssb.no later this year.

According to the Social Services Act, all persons must exhaust all opportunities to support themselves by working or exercising financial rights, such as pension, grants for students, statutory family support etc. before they are entitled to social benefits. This is in accordance with the subsidiary principle, i.e. the pre-supposition that benefits under the Social Services Act should only be available to a person as his or hers last alternative.

It is the duty of the municipalities where a person stays, to give social assistance. Whether a person has the right to benefits, and the level of the benefits, is decided by municipal social services. The need for support is always the subject to a test in each individual case. To determine whether a person is without adequate resources, the office may require that the person asking for benefits brings forward proof of his or hers financial situation. When a person leaves the municipality, the duty to assist is brought to an end.

The national guidelines for the level of social assistance benefit, given in 2001, are set in accordance with the aim of the Social Services Act to secure the claimant a decent subsistence. The national guidelines represent a modest, but reasonable level.

The national guidelines were revised in 2002 and 2004 in accordance with rise in consumer prices. In addition, the guidelines with respect to the children's subsistence were increased in real terms in 2002. The monthly recommended amounts in the national guidelines, set by the Ministry of Labour and Social Affairs, are from 1th of January 2004:

Single person	NOK 4 140
Couples	NOK 6 880
Persons cohabiting	NOK 3 440
Children 0 - 5 year	NOK 1 580
Children 6-10 years	NOK 2 090
Children 11-17 years	NOK 2 640

Housing allowance, electricity, housing insurance, furniture, expenses related to medical assistance, prescription drugs, etc. are not included in the national guidelines. Such expenses are in all cases to be considered on a concrete and individual basis on the specific needs of the claimant.

According to the Social Services Act, each case is to be treated individually and concretely. The specific amounts of social assistance provided vary due to the means-tested system. Average monthly benefit, including introduction benefit for newly arrived immigrants, for different categories of households was in 2003 as follows: single men 6 545 NOK, single

women 6 059 NOK, single parents 7 296 NOK, couples without children 7 891 NOK, and couples with children 11 246 NOK.

Social assistance is complementary to all other subsistence allowances and is provided as a last resort benefit. Both the social assistance benefit and the income level of recipients of social assistance vary. According to figures from Statistics Norway social assistance households had an average income after tax of 166 500 NOK in 2002. The figure includes income from paid work, benefits from the National Insurance Scheme, family allowances, social assistance benefit etc. Average income after tax for Norwegian households in general in 2002 was 337 100 NOK. Figures for 2003 and 2004 are not yet ready.

The ECSR asks for typical examples of total amounts paid to social assistance claimants on a monthly basis.

We regret that we can not present such examples for individual cases, due to lack of data.

Question C

Individual decisions taken by the social service can be appealed to the County Governor who is the representative of the Central Government at regional level. A party, who is discontent with a decision taken by the social services, is free to use the right to appeal to The County Governor. There are no fees or other costs connected with the handling of these appeals. The social services are obliged to give information on the right to appeal, how to exercise this right, to help the client to formulate a written appeal, and to advance the appeal.

If an administrative decision is altered in favour of the party, he shall be awarded such substantial costs as have been necessarily incurred to get the said decision altered. There is an exception if the alteration is due to the party's own circumstances or to circumstances beyond the party's and the social services' control, or if other special circumstances otherwise indicate. The County Governor decides the question whether a party shall be awarded costs.

A few municipalities have free legal aid offices. Also, law-students and professors at the Universities run organisations offering free legal aid in, among other areas, social benefits questions. The Norwegian Lawyers Association also provides some free legal aid.

Question D

We refer to previous reports for a description of the state funding of the municipalities.

Article 13 Paragraph 2

We refer to previous reports.

The annual budget allocated to the social welfare services, included social assistance benefit, was in NOK 2003 7.2 billion.

Article 13 Paragraph 3

For a description of the services and how they are organised, we refer to previous reports.

The number of staff employed in social services was approximately 4 100 in 2003. This figure includes staff in counselling, social prevention work, work related to social assistance benefit

and people with alcohol and drug problems. The figure does not include staff in local employment programmes, integration work towards immigrants, housing services etc. Please note that the figures on number of staff in social services are not comparable with figure provided in the last report, due to shift in the statistical information.

At the end of 2003 49 per cent of the employees had a formal education as social workers and another 17 per cent had a university degree.

Article 13 Paragraph 4

We refer to the information given under article 13, paragraph 1, 2 and 3.

Article 16: The right of the family to social, legal and economic protection

Question A

Relationship enrichment measures

An evaluation of the grant scheme and of the relationship enrichment measures, referred to in the previous report, has been carried out, and a report on this study was submitted in 2004. The Ministry of Children and Family Affairs will initiate a more thorough follow-up of this evaluation in 2005. Subsequently, the Government will continuously consider how relationship enrichment measures can be strengthened and further developed.

The Government has initiated the development and implementation of a course that will be offered to couples having their first child together. The aim of the course is to support and inspire the parents in a period that is marked by great changes and challenges in daily life and in the relationship. The Government will be offering the course nationwide in 2006.

Family counselling/medication.

The concept "The Family Welfare Service" is misleading and should be replaced by "The Family Counselling Service". Similarly "Family Welfare Offices" should be replaced by "Family Counselling Agencies".

The Family Counselling Service is a low-threshold, state financed, legally based service, particularly aimed at adults with family relational problems. The service is free of charge, and no referral from medical or other authority is required. There are (at least one, most often several) family counselling agencies in every county. On a yearly basis, approximately 24 000 couples and families seek advice and therapeutic assistance from the services. The majority of cases in treatment are couples, married or cohabiting, seeking help for relational problems or crises. But also intergenerational problems in families and cooperation conflicts between separated parents about their common children are frequently treated. The offices have a legal obligation to provide mediation in accordance with the Act relating to marriage and the Children Act. Furthermore, the Family Counselling Services offers professional guidance in family relational matters to other parts of the health and social services, and serves as an integrated part of the total public welfare programme.

The Government's plan of "Action for the Disabled..." continues. The project covered a period of three years. In the course of 2005 the Government will decide further management and development of the programme.

New procedural rules concerning decisions on parental responsibility, where children are to live permanently and right of access came into force 1 April 2004. The amendment entails, inter alia, increased and changed use of experts and an emphasised focus on the best interests of the child. According to Section 31, when the child becomes able to form its own point of view on matters that concern it, the parents shall listen to the child's opinion before making a decision on the child's personal situation. Attention shall be paid to the opinion of the child, depending on the age and maturity of the child. The same applies to other persons with whom the child lives or who are involved with the child. Furthermore, when the child reaches the age of 7, it shall be allowed to voice its view before decisions are made about the child's personal situation, f.e. in cases concerning whom of the parents it is to live with. When the child reaches the age of 12, the child's opinion shall carry significant weight. The amendment will be an efficient instrument to ensure that also smaller children are given the opportunity to present their views in cases concerning parental responsibility, where the children are to live permanently and right of access.

Question B

Child benefit/family allowance

Until 1 January 2004, the child benefit was NOK 11 664 per year per child under the age of 18. As from 1 January 2004, the child benefit was NOK 11 640 per year per child. A single provider was entitled to child benefit for one child more than the actual number of children.

Until 1 August 2003, the annual supplement for children between 1 and 3 years of age was NOK 7 884. As from this date, this supplement was no longer paid.

A single provider with a child or children under the age of 3 was entitled to an additional young child supplement under certain conditions. The supplement was NOK 7 884 until 1 January 2004. As from this date, it was NOK 7 920 per year.

Children living in Finnmark and North Troms received an additional supplement of NOK 3 792 per year. As from 1 January 2004, the supplement was NOK 3 840.

Total governmental expenditures in NOK 1 000:

2003: 14 692 000

2004: 14 220 000

In 2003 child benefit was paid for 1 065 956 children (on average).

In 2004 child benefit was paid for 1 073 035 children (on average).

Cash benefit for parents with small children

As from 1 January 2003, the cash benefit was NOK 36 000 per year for children who did not make use of a place at a governmental subsidised day care centre. Families with children at a day care centre on a part time basis would be entitled to a reduced cash benefit.

As from 1 August 2003, the full rate was NOK 43 884 per year.

Total governmental expenditures in NOK 1 000:

2003: 2 992 000

2004: 3 125 000

In 2003 cash benefit was paid for 83 540 children (on average) (72 per cent of all children aged 1-3).

In 2004 cash benefit was paid for 78 184 children (on average) (68.6 per cent of all children aged 1-3).

The purpose of the cash benefit scheme is to help parents to spend more time caring for their own children give families a real choice as regards type of care for their children bring about greater equality in the transfers the individual family receives for child care from the government, regardless of the child care arrangements made by the parents.

Due to the purpose of the scheme as being an alternative and a supplement to a place at a day care centre, the benefit is paid irrespective of the income of the parents and is granted without means testing.

In order to be entitled to parental benefit the recipient must, as a general rule, have been employed and earning a pension giving income for at least 6 of the 10 months immediately prior to the commencement of the benefit period.

Women who do not qualify for parental benefit will receive a lump sum grant. In 2003 and 2004 this grant was NOK 33 584.

The Norwegian tax code provides some special treatment for families. The most important feature is the division into two tax classes, class 1 and class 2. The main difference is that the standard allowance in class 2 is twice the allowance in class 1. There are also higher thresholds in the surtax in class 2. Single individuals are taxed in class 1. Married couples can choose the tax class that implies the lowest total tax. Consequently, single-income couples are in general, taxed in class 2, while double-income couples are usually taxed in class 1. Single parents are always taxed in class 2.

Single parents receiving transitional benefit can alternatively be taxed according to a special tax limitation rate if this implies lower tax than the ordinary rules.

Parents may deduct documented expenses for the caretaking and nursing of children under the age of twelve, provided that the child lives at home. The deduction may not exceed NOK 25 000 for the first child, and NOK 5 000 for any additional child.

Question C

Reference is made to previous reports.

Question D

Reference is made to previous reports. In our last report (2003), it is stated that domestic violence is no specific offence. The Ministry of Justice would like to clarify that section 219 of the Penal Code relates to such conduct, but the provision is more rarely used than the general penal provisions relating to assault, bodily harm, rape etc. However, the Ministry of Justice plans to modernize section 219 with the aim of revising the provision concerning violence and ill treatment in close relations.

In July 2004, the Government appointed a commission to make proposals in order to strengthen the victims' standing in the criminal procedure. The Commission will submit its final report in January 2006.

Reference is made to the report from 2003 about section 222a in the Criminal Procedure Act concerning ban on visits. Section 222a was amended by Act of 10. January 2003. Inter alia, the amendments improve the protection for persons exposed to domestic violence. Please find enclosed for your reference an updated copy of section 222a.

Other measures:

Organizational framework for combating domestic violence

The Ministry of Justice and the Police has the main responsibility for coordinating the Government's efforts to combat domestic violence. An effective fight against domestic violence requires close cooperation and coordination between various governmental sectors, such as the criminal policy sector, the health sector and the social welfare sector and gender equality authorities. A cross-ministerial working group has been established to meet the need for a coordinated strategy. The group consists of representatives from the Ministry of Health and Care Services, The Ministry of Labour and Social Affairs, the Ministry of Children and Family Affairs and the Ministry of Justice and the Police. The group will propose means to combat domestic violence as well as ensure the implementation of the governmental action plan on combating domestic violence.

The Action Plan to combat domestic violence (2004-2007)

To continue the work against domestic violence set out in the Action Plan to combat violence against women (2000-2003), the government launched an action plan to combat domestic violence for the period 2004-2007. The plan emphasises the importance of treatment offered to women exposed to violence and sexual abuse, efforts directed towards immigrant women, services offered to children growing up in violent families, and on measures available to perpetrators of violence.

The plan has four main goals:

- Strengthening cooperation between the assistance services, and their knowledge in the field
- Increasing the visibility of violence in intimate relationships and improving the prevention of violence through behavioural change
- Securing victims of violence in intimate relationships the necessary help, protection and assistance
- Breaking down the spiral of violence by reinforcing forms of treatment available to perpetrators of violence

Question F

The Norwegian housing standard is generally high and has increased steadily for many years. The previous report presented figures from 2001 on the housing stock and standard. More recent figures will be available later in 2005.

The principal goal of Norwegian housing policy is for everyone to have an adequate and secure dwelling. The greatest possible number of inhabitants shall, to the greatest possible

extent, enjoy direct access to the housing market and be able to provide for themselves from their own livelihood. The Government's primary strategy for realising its main objective is to stimulate to a well functioning housing market. Its second main objective is to provide housing for groups that are disadvantaged on the housing market. A third strategy is to create a framework for increasing the number of dwellings and residential areas that are environment-friendly and incorporate the principles of universal design.

These are the main strategies which were confirmed in a White Paper approved by Parliament (14 June 2004).

As stated in previous reports, as regards housing, the national authorities are responsible for the policy framework, financial and legal instruments, the municipalities are responsible i. a. for the provision of housing. The private market produces housing, rehabilitation of dwellings and management of dwellings through housing cooperatives and housing associations etc. There is an active cooperation between local authorities and NGO's/civil society organisations in provision, maintenance and management of housing in Norway.

Legal and financial instruments provide low-cost loans, grants, housing allowances etc which provide access to housing for low income families, disadvantaged groups etc. A national strategy was launched in 2005 to provide housing for homeless persons. The national authorities cooperate with all municipalities in Norway to provide adequate housing and adapted services where needed for homeless persons.

Statistical data, demographic and economic trends and other background knowledge are the basis for municipalities' development plans and estimates of housing needs etc. The private market builds and rehabilitates dwellings according to estimated needs. Financial instruments, mentioned above, enable families with children and other households to provide adequate housing for themselves, as described in previous reports to the Council of Europe. There are no changes in the national or municipal policies on housing for low income groups, marginalised groups, families with children or others.

Article 19: The Right of Migrant Workers and Their Families to Protection and Assistance

Article 19 Paragraph 1

Question A

Reference is made to previous reports.

Question B

Norway has recently adopted new antidiscrimination legislation. The Act relating to prohibition of discrimination on the basis of ethnicity, religion, etc. (Discrimination Act) has recently been adopted by The Norwegian Parliament. The act applies to all areas of society. The act prohibits discrimination based on ethnicity, national origin, descent, colour, language and religious belief and protect against both direct and indirect discrimination. However, discrimination will not have occurred if the act is objectively justified by a legitimate aim, is not overly intrusive and the means of achieving the aim are proportionate and necessary. Harassment on the same grounds is covered, as well as instructions to discriminate or harass. The act also has a ban on reprisals against a person who files or intends to file a complaint

about violation of the act. This protection also covers witnesses. It is also forbidden to participate in discrimination.

There is a general rule on shared burden of proof in all civil cases pursuant to the Discrimination Act. This means that where there are circumstances that give reason to believe that discrimination has occurred, such discrimination will be regarded as proved unless the person who committed the act substantiates that discrimination did not occur.

Victims of discrimination are provided with discretionary compensation for non-peculiar injury in cases where there has been a violation of the act. Compensation may also be given for economic loss pursuant to general rules relating to damages.

The UN Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is incorporated into the new law. The Discrimination Act will be set into force by 1 January 2006.

The Norwegian Government will also establish joint machinery against discrimination. In April 2005, the Norwegian Parliament approved an act concerning the Equality and Anti-discrimination Ombud and Equality and Anti-discrimination Tribunal. This new institutional mechanism will be established by 1 January 2006.

The mandate of the new Ombud will i.a. be to actively promote equality for all discriminated groups under its scope of action, and to develop new knowledge through documentation and monitoring.

Question C

The Directorate of Immigration has made fact sheets about all of the permits concerning immigration to Norway. The fact sheets are available on the Directorate's website www.udi.no in several languages (Arabic, Albanian, Bulgarian, Czech, English, Estonian, French, German, Hungarian, Latvian, Lithuanian, Polish, Romanian, Russian, Slovak, Slovenian, Somalian, Spanish and Urdu). Information in English is more extensive, and also contains application forms in English.

Article 19 Paragraph 2

Question A

There are no specific measures to facilitate the departure, travel and reception of migrant workers. Neither are there any administrative formalities on departure from Norway.

On arrival in Norway, migrant workers are subject to ordinary border control (control of passport, visa etc.). Paragraph 14 of the Immigration Act also states that any foreign national who has been granted a work or residence permit before entry, shall, not later than one week after entry, report (by personal appearance) to the local police. The same applies to any foreign national who intends to apply for, or otherwise needs, such a permit. Furthermore, foreign nationals who are staying in Norway for a longer period than three months, have a duty to undergo a medical examination to check if they have tuberculosis. Some migrant workers, who are only staying for a short period, are exempted from the duty to report to the police after entry, but they have to send a written notification to the police before arrival.

Article 19 Paragraph 3

Reference is made to our last report.

The ECSR asks for information on the existence of public as well as private social services related to migration.

Every person with residence permit independent of national or migrant status is included by the law concerning social services. The public social services are the responsibility of the Municipalities, and migrants are treated on an equal footing with other citizens and there is not established any special social services for migrants and consequently they can not be singled out in the social service system with examples.

Article 19 Paragraph 4

Question A

The Immigration Regulation § 2 (1) no. 2 states that working conditions and wages for the migrant worker may not be lower than the wage agreements or regulations which normally apply to the type of work involved and at the place of work concerned. The Norwegian Labour Inspection Authority oversees that enterprises comply with these requirements (cf. the Immigration Act § 11a).

Question B

As stated in our previous reports, the Government started in 2001 a comprehensive revision of the existing housing acts, in order to include i.a. articles on discrimination in housing. In the revised acts discrimination in housing is explicitly prohibited. It is illegal to include any restriction on tenure or ownership due to religion, skin colour, language skills, national or ethnic origin, homophile predilection, way of living or orientation, as reported in our last report. The amendments include both private and public owners as well as the executive committees in joint ownerships or in housing co-operatives. These acts were put into force 22 May 2003.

These acts have so far not been evaluated. As mentioned in Para 1, question B, a new antidiscrimination legislation has been adopted which applies to all areas of society, included housing. The act prohibits discrimination based on ethnicity, national origin, descent, colour, language and religious belief, and protect against both direct and indirect discrimination.

Victims of discrimination are provided with discretionary compensation for non-peculiar injury in cases where there has been a violation of the act. Compensation may also be given for economic loss pursuant to general rules relating to damages etc.

Article 19 Paragraph 5

There are no special rules for migrant workers or their families regarding employment taxes, dues or contributions payable in respect of employed persons.

Article 19 Paragraph 6

Question A

The national housing policy and the Norwegian model have been described in article 6 and previous reports, including the report on article 31. The policy model embraces all legal inhabitants living in the country. The legal instruments and financial measures are applicable for immigrant workers and their families as for other citizens.

As mentioned, some municipalities practice a period of residence requirement concerning municipal housing. These are as far as we know few. A period of residence requirement does not exclude an immigrant worker from being provided with a low cost dwelling. The municipalities use different strategies in providing housing for low income or disadvantaged groups, as i.a. rental housing, low cost dwellings with state subsidies, loans and grants for households or individuals to buy a dwelling etc.

The Joint Ownership Act and the Housing Cooperative Act state that the state or municipalities have the right to acquire up to 10 percent of the existing housing stock to make access to housing easier for immigrant workers, refugees and other disadvantaged or low income groups. These legal measures came into force in 1998 and 1999 and are still in force.

As the general standard of housing is increasing and the number of homeless persons is decreasing, the national and local authorities are to a large extent focused on providing housing for disadvantaged groups and to give incentives for sustainable and universally designed dwellings and environments.

Question B

Family members taken into account when considering family reunion

A permit for family reunification is primarily granted to close family members. The permit is granted for one year at a time. After three years, the foreigner can apply for a settlement (permanent) permit.

Close family members are i.a.:

- A spouse or registered partner,
- Cohabitants who have lived together for at least two years,
- Children under 18 years of age, without spouse or cohabitant,
- Dependent children under the age of 21, without spouse or cohabitant, of any foreign national who is a national of any country which is a party to the European Social Charter of 18 October 1961, when both parents have or are granted lawful residence in the realm.

Other family members who may be granted a permit to reside in Norway are:

- A person intending to enter into marriage with a person resident in Norway within six months after entry (fiancé permit),
- A cohabitant with whom the person living in Norway has or is expecting a child, even if they have not been living together for at least two years,
- Single mother or father over 60 without any close relatives in their country of origin,
- Children between the ages of 18 and 21 years with no spouse or cohabitant, where the applicant has previously had a period of residence of long duration in the realm with leave,
- Unmarried, supported children over 18 years of age with special care needs or without caregivers in their country of origin,

- Foster children under 18 years of age, when it is substantiated that the child is an established member of the household and that those who are exercising parental responsibility for the child are doing so lawfully in accordance with the legislation of the country of origin,
- Full siblings under 18 years of age without a mother, father or other caregiver in their country of origin or country of residence and with no mother and father in another country,
- Other family members, when strong humanitarian considerations warrant it.

Amendments to the Immigrations regulations – the subsistence requirement

The Government will in near future propose amendments to the Immigration regulations concerning the subsistence requirement for family reunification. The amendments aim at making the subsistence requirement the main rule, to a larger extent than it is today. Today there are many exemptions from the requirement.

If these proposals are adopted, a subsistence requirement will be introduced when the principal in Norway is a Norwegian or Nordic citizen or a foreigner with a settlement permit. Some exemptions will apply when:

- “Substantial obstacles for practising the family life in another country” or “other grounds of particularly strong humanitarian considerations” requires it,
- Children apply or are principals – however with a limitation to children under 15 years of age,
- The principal is granted asylum (or is a quota refugee) and the marriage was established before the principal entered Norway.

Additionally, the Government will propose changes to the level of the subsistence requirement. The Government will propose to increase the level of subsistence requirement from pay scale 1, to pay scale 10 for close family members, and to pay scale 15 for others. Pay scale 10 equals NOK 189 100, and pay scale 15 equals NOK 201 000, as of 1 May 2004.

The reasons for the proposed amendments are that persons coming to Norway through family reunification should normally be able to support themselves, or be supported by their family members. It is not desirable that family immigrants must be supported financially by the authorities. Additionally the Government considers these amendments suitable in the fight against forced and pro forma (false) marriages.

Statistics

See *enclosure 12*, Excerpts from “Facts and Figures 2004, by The Norwegian Directorate of Immigration, regarding family immigration.

The average processing time for cases regarding family reunification (i.e. the waiting time for family reunion to be granted) has, in cases decided by the Directorate of Immigration in the period 01.01.05–30.04.05 (in total 4509 cases), been 189 days. The percentage distribution was:

Processing time	Less than 1 month	1–3 months	3–6 months	More than 6 months
Cases regarding family reunion	10 % (451 cases)	23 % (1037 cases)	30 % (1353 cases)	37 % (1668 cases)

Question C

It is not possible to refuse permission to enter the country in which a migrant worker is already established to a member of his family by reason of that member's physical or mental health.

Article 19 Paragraph 7

Reference is made to previous reports.

Article 19 Paragraph 9

There are no limits in Norwegian legislation on the right to transfer money into or out of the country. Notification of cross-border money transfer is regulated in the Currency Register Act of 28 May 2004. Banks and other financial institutions must report to the register all cross border transactions in and out of Norway. If a transaction out of Norway exceeds NOK 100.000, the purpose of the transaction must also be registered (in categories). Cross border cash transfers of NOK 25 000 or more (or equivalent in other currencies) must be declared to the Norwegian Customs and Excise Authority, who will report this to the currency register.

According to the Act on Financing Activity and Financial Institutions (finansieringsvirksomhetsloven) Section 4 a, regular cross-border money transfer operations may only be carried out by banks, finance companies and credit institutions, including branches of credit institutions authorised in the European Economic Area. Branches of credit institutions authorised outside the European Economic Area are required to have authorisation to carry on financing activity in Norway.

Article 19 Paragraph 10

All of the above applies equally to self-employed migrant workers, except, of course, for the answer to question A under article 19 paragraph 4 litra a: A self-employed migrant worker is free to decide his *own* remuneration and working conditions (as long as it doesn't affect any employees he might have).

Article 19 Paragraph 11 and 12

Language training today is being offered mainly by schools in the municipalities, but also to some extent by private companies and NGOs. The teaching has to be approved ahead by the regional education authority, and the institutions get their costs refunded by the state. From 1 January 2004, new rules apply as to who can get free language training. You have to be 16 years of age or older to qualify and you need a residence permit valid for more than three months. Immigrant workers and their adult family members, who arrived in Norway after 1 January 2003, are no longer entitled to free language training.

The Norwegian state does not have an exact number of the number of immigrant workers and their family members undergoing such teaching today.

The Parliament recently enacted a new system for language training, valid from 1 September 2005. 300 hours of language training will be compulsory for all adult immigrants and their adult family members. In order to obtain a settlement permit or Norwegian citizenship, all foreigners including immigrant workers will have to have completed 300 hours of Norwegian

lessons. The municipalities are to offer this language training to all foreigners, and they may charge immigrant workers and their adult family members of the cost of this training.

According to section 2-8 of the Norwegian Education Act, the municipalities are under the obligation to give pupils in primary and lower secondary education whose native language is not Norwegian or Sámi the necessary tuition in Norwegian (special instruction in Norwegian), and if necessary bilingual subject instruction or mother tongue, or both, until they have acquired the proficiency to enable them to follow the normal teaching. It is therefore incumbent upon each municipality and the schools to promote and facilitate the teaching of the migrant workers' mother tongue to the children of the migrant workers. In order to strengthen educational provisions to minority students at all levels the Ministry of Education and Research in 2004 established a National Centre for Multicultural Education. One of the centre's main tasks is to run competence-building programmes for day-care centres owners, school administrators and teachers, universities colleges and universities.

There have been no changes in the hours of teaching or in the responsibility for the language training for adult immigrants and refugees in the period covered by this report. As from January 2004 the economic and legal responsibility for language training of adult immigrants and refugees was transferred to the Ministry of Local Government and Regional Development took over, whereas the Ministry of Education and Research is for its part responsible for the syllabus and organizing. From the same date immigrants who have come to work in Norway as well as their families do not receive free Norwegian language training. Neither do au-pairs nor people with residence permit according to regulations for The European Economic Area (EEA) and the European Free Trade Association (EFTA) receive free language training.

For the time being, immigrants and refugees have no statutory right to attend lessons in Norwegian, but most municipalities organise such courses. There are, however, some municipalities without any immigrants, and small communities with few immigrants often cooperate with other municipalities to provide common lessons in language training. Statistics indicating the total number of immigrants and refugees who actually attend such courses in Norwegian are not available. However, courses are offered in most of Norway's municipalities, on the basis of state funding. The allocation for this purpose in the state budget for 2004 amounts to approximately NOK 1 bill. The municipalities apply for financial support according to the number of lessons that have actually been offered, as well as the number of participants who have the attended the courses.

From 1 September 2005 adult refugees and immigrants with humanitarian residence permits will have statutory right and duty to attend lessons in language training and knowledge about the society.

The number of pupils in primary and lower secondary education in Norway amounts to 617 000. 35 800 pupils receive necessary tuition in Norwegian, and a total of 19 730 pupils receive bilingual subject instruction or mother tongue or both.

On 1 October 2004 the number of students (adult immigrants and refugees) attending the courses amounted to 25 733 (14 572 women and 15 861 men). Most of the students attend courses of 850 lessons, while those who have a weak educational background may have up to 3000 lessons. There are no statistics available on the number of teachers with or without formal teaching qualifications.

Article 20 The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

Equal rights

The Government has launched active measures to increase the numbers of women in top-management positions in the State sector; i.e. a Plan of Action which requires that at least one woman be called for an interview has been launched.

The Gender Equality Act was amended in 2005 due to the implementation of an EC-directive and incorporation of the UN-convention of Elimination of All Forms of Discrimination against Women. The Bill was adopted by the Parliament 26 May 2005 and the amendments will be put into force 1 July 2005. The amended Gender Equality Act provides increased protection against different treatment. The provision on shared burden of proof was altered and sets out that the burden of proof in favor of the victim is no longer restricted to recruitments to jobs or posts and working conditions. Thus, the principle of burden of proof applies to all cases of discrimination in contradiction to The Gender Equality Act.

Position of women in employment and training

The project "Deliberate educational choices" was launched by The Ministry of Education and Research in 1997. The project was running in the period 1997-2000. The aim of the project was to contribute to providing young people with the necessary help to make informed and deliberate choices as independently as possible of traditional gender roles and to creating a labor market that was less distinctly characterized by traditional gender segregation. Based on the findings of the project, brochure with further information and inspiration in order to promote untraditional choices has been developed.

Furthermore The Ministry of Education and Research will continue the work to strengthen the capacity of occupational guidance to young students.

Women are, not so much visible in 'corporate sector', nor in the upper echelon of academia, or in the military ranks or the State Church. The other side of this coin, is that we hardly find men in the public/private sector of raising children: In kindergartens we have approximately 8 % men (out of 65 000 employees) and steadily the gender balance is getting worse in the schools.

In 1994 we started to raise awareness of the needs that all children have to meet both men and women when staying in childcare or in schools. By 2005 the percentage of men working in childcare was 8% (3 % in 1994). An extended plan for the Day care covering the period 2004-2007, was started aiming at increasing the percentage of male teachers and also to develop a more gender based pedagogic and how the adults behave to, talk to and understand girls and boys. The goal is 20 % men in childcare.

Measures to promote equal opportunities

The Gender Equality Act authorizes pay comparisons across occupational boundaries and collective agreements. The last amendments of the Act confirmed this right and at the moment there is no plan to expand the possibility to pay comparisons across occupational boundaries to extend beyond individual firms.

The Ministry of Children and Family Affairs has financed a three-year project (2002-2005) on job-evaluation as a tool in reaching equal pay. The aim of the project was to develop and implement job-evaluation and equal pay in 15 private companies and work places in the public sector. The project has developed a gender-sensitive system of job-evaluation to measure the value of women and men's work. The project shows that at job-evaluation can be an efficient tool to identify gender wage differences. The project confirmed that the pay gap follows the gender segregation in the labour market. A few cases of direct discriminations were identified within one company. The Gender Equality Ombud will make use of the job-evaluation system.

Question A

Section 54 B of the WEA (*enclosure 6*) prohibits discrimination on grounds of gender. Chapter X A and X B of the WEA, which was adopted on 26 March 2002, extended and strengthened the protection against discrimination at work. We refer to the brief account given under Article 1.

Discrimination on grounds of gender is further regulated in Act No. 45 of 9 June 1978 relating to equal status between the sexes (the Gender Equality Act).

Question B

Disputes on grounds of discrimination can be brought before the court by the employees who believe they have been discriminated against. According to section 54 J subsection 1 of the WEA, anyone who has been discriminated against or subjected to retaliation in contravention of the provisions relating to equality of treatment at work, may demand compensation without regard to the fault of the employer. The compensation shall be stipulated to an amount that the court finds reasonable in view of the circumstances of the parties and other facts of the case.

Discrimination on grounds of gender is further regulated in the Gender Equality Act.

Question C

According to section 54 J subsection 3 of the WEA, provisions laid down in collective pay agreements, contracts of employment, regulations, bylaws etc., that are in contravention of the provisions relating to equality of treatment at work, shall not be valid.

Question D

Reference is made to previous reports.

Section 54 G of the WEA prohibits retaliation against an employee who has submitted a complaint or in any other way raised the matter of contravention of the provisions relating to equality of treatment at work or who has stated that such a matter may be submitted. This prohibition also applies to so called "whistle-blowers", i.e. employees submitting complaints on behalf of other employees, without being personally affected.

Anyone who has been discriminated against or subjected to retaliation in contravention of the provisions relating to equality of treatment at work may demand compensation without regard to the fault of the employer. The compensation shall be stipulated to an amount that the court finds reasonable in view of the circumstances of the parties and other facts of the case, see section 54 J of the WEA.

Question E

According to section 54I of the WEA, the employer has the burden of proof. If the employee or job applicant submits information that gives reason to believe that discrimination has taken place, the employer must substantiate that discrimination in contravention of the provisions relating to equality of treatment at work has not occurred.

Question F

Reference is made to previous reports.

Question G

Reference is made to previous reports.

Question H

Discrimination that helps to promote equality of treatment is not in contravention of the provisions relating to equality of treatment at work, see section 54 E of the WEA. However, such discrimination shall cease when its purpose has been achieved.

We further refer to the Gender Equality Act.

Question I

As outlined by the ECSR in its own report on Norway and which is subject to our comments in the Annex, employment opportunities for women in Norway are among the most favourable in the OECD area. The unemployment rate for women is lower than for men, and the participation rate of women also among the highest in Europe. Men in Norway still have a higher participation rate than women, but the gap is steadily narrowing.

Although the participation rate for women is among the highest, women in Norway very frequently works part time. Working part time in many cases may be a positive sign of flexibility. But enquetes show that a considerable number of part time employees (men and women alike), would like to work more hours and/or full time. The number of partially unemployed is a good indicator to this effect. In 2004 an average of 42 225 persons were registered as partially unemployed while the average number of totally unemployed accounted for 91 563 persons.

Women are granted access to and participation in vocational guidance, training, retraining and rehabilitation, on the same basis as male jobseekers given their employability and placeability. Active measures are utilised to ensure the necessary skills upgrading either versus ordinary jobseekers or versus occupationally handicapped.

Question J and K

In the Annex to this letter Aetat is, when responding to the queries from the ECSR, commenting on the Position of women in employment and training. The legal principle of equal opportunities and non-discrimination on the grounds of sex, is pervading the Norwegian legal system and its implementation. This also goes for the legal basis of Aetat and how Aetat is performing its services towards our users. Giving priority to target groups also has beneficial effects on the promotion of women's situation and opportunities on the labour market. Being a jobseeker is the main criterion for receiving assistance from Aetat. And the depth and complexity of problems in finding a job, will decide the scope/extent of assistance that Aetat will give to any given jobseeker.

The benefits administered by Aetat are designed and implemented regardless of the sex of the jobseeker.

Further questions from the ECSR:

The ECSR notes that the labour market is still fairly segregated and asks whether the Government has taken appropriate steps to rectify this.

Education

There have not been any amendments in the national regulations in the Gender Equality Act and the Education Act concerning gender equality in education and training since the last Norwegian report to the Committee, and thus we refer to this.

Every year The Gender Equality Ombud receives a number of complaints concerning positive action in favour of one gender at higher education institutions. According to the Gender Equality Act different treatment of male and female students may be allowed under certain circumstances if it is considered to promote gender equality. The Ombud has raised the question whether the positive discrimination now being practised at some of the Norwegian higher education institutions does in fact contribute to reduce inequality in education and the labour market. The Ombud has asked for a national strategy for different treatment in the educational system.

The Ministry of Education and Research has as its main objective in its work for gender equality to counteract the gender segregation in education and labour market, and is in a continuous dialogue with the Gender Equality Ombud and the National Center of Gender Equality on how to achieve this. The Ministry has decided to develop a strategy plan on how to counteract gender segregation in education.

Employment

Employment opportunities for women in Norway are among the most favourable in the OECD area. Furthermore the total employment participation rate for women is almost as high as that for male employees.

The main reason today why the labour market is still fairly segregated, stems from differences of educational choice between men and women.

For quite a few years more women than men are taking university degrees. But male students are still dominating in the fields of IT, economics, engineering and natural sciences. Employees with the latter types of education are also more likely to work in the private sector. Women employees are in majority in the public sector. For that reason women are less struck by unemployment when there is a downturn in the economy.

Aetat's services are non-discriminatory regardless of sex, age, ethnic origin or geographical habitation. In assisting jobseekers Aetat therefore, also endorse them to find employment outside the traditional domains of recruitment. To facilitate these endeavours, Aetat is in charge for a special Women's Jobseeker base to promote women looking for positions in senior positions and middle management.

The Norwegian Parliament adopted in December 2003 a law on gender balance to be imposed on Public Limited Company boards in private sector, and to state owned companies. They will be required to increase the number of the underrepresented sex, i.e. women, on their

boards to 40 per cent. 470 PLC's is affected. At the end of May 2005, only 15.7 per cent of members on these PLC's boards were women. The State-owned companies are already there, since their regulation entered into force Jan.1st 2004. If the Public Limited Companies reaches 40 per cent representation voluntarily by 01.07.05, the law provisions will **not** be put into force. We will have measurements by the National Business Register in August this year. Most probably the public limited companies will not fulfil the 40 per cent. The Cabinet will have to take a decision; find a date to enforce the law with a two year transition period.

Company legislation already provides for the enforcement of other rules regarding the composition of the board. The rules regarding gender representation will obey the same procedure. This requirement will be enforced through the normal control routines followed by the Register of Business Enterprises. This Register will eventually refuse to register a company board, if its composition does not meet the statutory requirements. A company which does not fulfil the board obeying requirements may be dissolved by order of the court. Very seldom this happens.

Enclosures:

- 1 Annual report 2003 – Aetat (English) (www.aetat.no)
- 2 Annual report 2004 – Aetat (Norwegian) (www.aetat.no)
- 3 Annual labour market statistics 2003 (Norwegian) (www.aetat.no)
- 4 Annual labour market statistics 2004 (Norwegian) (www.aetat.no)
- 5 “Disabled persons on the labour market”, Abstract from a report by Tor Petter Bø, Statistics Norway (English) (www.ssb.no)
- 6 The Norwegian Working Environment Act (English) (www.arbeidstilsynet.no)
- 7 PM 7/2003 (Norwegian)
- 8 PM 7/2004 (Norwegian)
- 9 Provisions on children’s and young people’s work (Norwegian) (www.lovdatab.no)
- 10 Copy of the Ministry’s letter of 20 January 2004 concerning statistics on wages, cf. RSC Art. 7 (5). (English)
- 11 The Norwegian Social Security Scheme (survey) 2004 (English) (www.odin.dep.no/asd/)
- 12 Facts and Figures on immigration 2004 (English) (www.udi.no)