

OSLO, 12 JUNE 2006

4TH NORWEGIAN REPORT ON THE IMPLEMENTATION OF THE REVISED EUROPEAN SOCIAL CHARTER

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

Article 1

Article 1 para. 4

Reference is made to the report under Art. 9, 10 and 15

Article 2

Article 2 para.1 Right to just conditions of work

Reference is made to previous reports

Question A

Overtime work

In this reference period there have been some amendments in Section 50 of the Act relating to Worker Protection and Working Environment of 4 February 1977 nr. 4, hereinafter referred to as the WEA. The amendments concern the length of overtime work. According to Subsection 1, the principle rule is still stating that overtime work must not, together with ordinary working hours, result in more than a total of 14 hours in a single day and that overtime shall not exceed 200 hours per calendar year. The employer and the employee may however, according to paragraph 2 conclude a written agreement concerning overtime work up to 400 hours per calendar year. Subsection 3 of the provision stipulates that in enterprises bound by a collective agreement, the employer and the employees' elected representatives may conclude a written agreement stipulating total working hours up to 16 hours during a single 24-hours day.

Regarding average total working hours, Subsection 4 states that weekly working hours including overtime during a period of four months must not exceed an average of 48 hours. This period may be extended to six months in enterprises characterized by the need to ensure continuous services or production or by the distance between the place of work and the employees' place of residence or the distance between places of work. In enterprises bound by collective agreement, the period of such calculation may also be extended to a maximum of one year by a written agreement concluded by the employer and the employees' elected representatives.

Averaging of working hours

With regard to the Committee's question about how many persons and which sectors the permissions pursuant to Section 47 Subsection 3 of the Labour Inspection Authority applies to, we would like to answer the following:

We do not have an exact number on permissions given by the Labour Inspection Authority pursuant to Section 47 Subsection 3 of the WEA. The Directorate of the Labour Inspection

Authority estimates that the total number of permissions given in 2003 and 2004 is approximately 500. Most of the permissions were given in the public sector.

Breaches of the rules and sanctions

Reactions by the Labour Inspection Authority due to violations of the working time provisions in the WEA in 2003 and 2004:

Table 1

Section of the WEA	Notices of orders	Orders	Notices of coercive fines	Decisions of coercive fines
46	11	8	0	0
46A	0	0	0	0
47	7	7	1	0
48	26	117	7	23
Section of the WEA	Notices of orders	Orders	Notices of coercive fines	Decisions of coercive fines
49	10	9	2	1
50	2	2	1	0
51	15	14	0	0
52	16	110	10	25

Conformity with the Charter

The Norwegian Government notes that the Committee reiterates that the legal situation under which total working hours in a twenty-four hour period in certain circumstances may be up to sixteen hours, is not in conformity with the Charter.

We would like to emphasize that according to the WEA the working hours are maximum 9 hours a day and 40 hours a week. However, normally the working hours are 37.5 hours a week according to collective agreements. In most cases this is also the fact in undertakings where there are no collective agreements. The maximum working hours including overtime may under certain circumstances be up to 16 hours in a 24 hour period, based on written collective agreement between management and workers' representatives in the enterprise.

It is important to emphasize that there are several restrictions attached to the use of this provision. Firstly, the management and the union have to agree to enter into a collective agreement about 16 hours in a 24 hour period. Secondly, the provision is only applicable when the conditions for overtime work are present. We may add that this provision is regarded to be in conformity with the minimum regulations of the EU – directive 203/88 on working time, which Norway has implemented.

In addition to the working time chapter, the WEA contains other provisions in order to safeguard the workers safety and welfare. We refer in this respect to Section 12 where the employer is responsible to see that “the work shall be arranged in such a way that the employees are not exposed to adverse physical or mental strain and that their possibilities of exercising caution and observing safety conditions are not impaired”.

According to the legal system in Norway and the interpretation of the various sections of the WEA that have to be seen in conjunction with each other, we are of the opinion that Norwegian legislation in this respect is in conformity with the Charter.

In June 2005 a revised Working Environment Act was adopted by the Norwegian Parliament. This revised act came in to force 1 January 2006. The new act provides that the total working hours in a twenty-four hour period must not exceed 13 hours. The maximum working hours including overtime may however, under certain circumstances, be extended based on written collective agreement between management and workers' representatives in the enterprise, provided that the workers concerned are afforded equivalent periods of compensatory rest. It must be added that this compensatory rest must be taken immediately after the work period it shall compensate.

In addition, the new WEA has strengthened other provisions concerning working time and the safeguarding of the workers' safety and welfare. We refer in this respect to Section 10-2 (1) where the employer is responsible for the working time arrangements being arranged in such a way that the employees are not exposed to adverse physical or mental strain and that their possibilities of exercising caution and observing safety conditions are not impaired.

We are of the opinion that both current and the new Norwegian legislation in this respect is in conformity with the Charter.

Question B

Agreement-based working time rules applicable to certain groups / workers exempted from the WEA

As to rules concerning normal working hours which are usual in collective agreements, reference is made to the previous reports.

In the previous report we described how Section 41 fifth Paragraph allows trade unions with a certain amount of members to conclude collective agreements on ordinary working hours, notwithstanding the rules laid down in the working time chapter regarding the duration and disposition of working hours.

One of the most important examples in the private sector is the Framework agreement of working hour systems for major construction works, which is a collective agreement between the central parties in the engineering industry, and an appendix to the Engineering Industry Agreement. The agreement allows local parties to conclude agreements based on its provisions, provided that they get an approval from their central parties. The scope of the agreement is work with an average working time of 37.5 hours per week when the workers cannot sleep at their place of residence. According to the agreement concluded for the reference period, the work must be set up in a rotation with twelve continuous days on and 9 days off. When working, they have to work 10.5 hours per day. It is presupposed by the parties that in these cases there will be no need for overtime. A similar framework agreement is concluded in the building sector, which is an appendix to the Construction Agreement.

Questions C – F

Reference is made to the previous reports.

Article 2 para. 2

Questions A - E

Reference is made to the previous reports.

Article 2 paragraph 3

Questions A - E

Reference is made to the previous reports.

Article 2 paragraph 4

Question A

Reference is made to the previous reports.

With regard to the Committee's observation, we would like to add the following:

There are several provisions in the WEA and in the regulations issued pursuant to the WEA, aiming at eliminating or reducing the inherent risks in occupations that seem to be dangerous or unhealthy. We would like to report some of the most relevant requirements:

Section 7 Subsection 1 requires that the working environment in the enterprise shall be fully satisfactory when the factors in the working environment that may influence the mental and physical health and welfare of the workers are judged both separately and collectively. Paragraph 3 in the same Section states that in the enterprises where consideration for the workers health and safety makes it necessary, the King may issue regulations prescribing that special safety measures shall be implemented, the enterprise shall obtain permission to perform dangerous work and that the employers shall only employ workers who can document that they have completed a training programme which satisfies specific requirements as regards skills or knowledge. It may also be required that the person who is in charge of the training shall satisfy specific requirements. There is a large number of regulations made on this legal basis, e.g. that applies to the work of children and young people, diving, work with asbestos, work that may cause reproduction injury, work which exposes individuals to ionising radiation, work which expose individuals to biological factors and use of chemicals.

Section 8 Subsection 1 states that the working premises shall be designed so that the working environment is fully satisfactory as regards the safety, health and welfare of the employees. There are also listed particular requirements related to different elements at the working premises.

Section 12 Subsection 1 states that technology, organization of the work, execution of the work, working hours and pay systems shall be arranged in such a way that the employees are not exposed to adverse physical or mental strain and that their possibilities of exercising caution and observing safety considerations are not impaired. Necessary means to prevent adverse physical strain shall be placed at the disposal of the employees. Employees shall not be subjected to harassment or other improper conduct. There are also more particular requirements both in the WEA and the regulations pursuant to the WEA.

There are no provisions that give right to reduction in working hours or additional holiday with pay based on the fact that certain occupations are particularly dangerous or unhealthy.

However, Section 46 Subsection 3 and 4 of the WEA state that the length of the working hours must be reduced in certain cases of shift work, other comparable rota work, work which necessitates a certain amount of work on Sundays and public holidays, work performed at night, work below ground in mines and work in tunnels and rock chambers.

We will make the Committee aware of the provision in Section 30 of the WEA that states that when special supervision of the working environment or of the health of employees is necessary, the enterprise shall have safety and health personnel to assist the employer, the employees, the working environment committee and the safety representatives in their efforts to create safe and sound working conditions. Pursuant to this Section the King has issued rules that state that certain occupations must have attached this kind of personnel.

The Labour Inspection Authority continuously supervises and controls that amendments to the legislation are complied with. The Labour Inspection Authority also carries out campaigns that imply inspection in certain problematic sectors.

To ensure a systematic follow-up on these provisions by the undertakings, there are provisions in Section 16A of the WEA demanding a systematic work with health, environment and safety. In order to safeguard the employees' health, environment and safety, the employer shall ensure that systematic health, environment and safety work is performed at all levels of the undertaking. This shall be carried out in cooperation with the employees and their elected representatives. There is described in detail a method to implement these requirements, and in the so-called Internal Control Regulations the Government has laid down further provisions concerning the implementation of the requirements. The requirements and method of this systematic work are drawn up in cooperation with the employers' and workers' organisations. The implementation of the regulations is followed up by law enforcement by the Labour Inspection Authority and at last by the court of justice in cases which are followed up by legal proceedings.

Question B

There is no list of dangerous or unhealthy occupations in Norway. The Directorate of Labour Inspection gives an overview of the numbers of deaths, injuries and diseases in its annual reports.

The numbers of fatal accidents, occupational injuries and occupational diseases in 2003 were submitted in the last report, see article 3 Paragraph 3 question C. The numbers for 2004 are given in the answer to article 3 paragraph 3 question C below. The Statistics will give guidance as to which businesses are more dangerous or unhealthy than others.

Measures in order to prevent/reduce the risks of handling dangerous chemicals at the workplace are mainly found in the Sections 11 and 18 of the WEA and in the Regulations relating to Protection against Exposure to Chemicals in the Workplace. The regulations implement EC-directives 98/24/EC, 90/394/EEC, 97/42/EC, 99/38/EC and 2003/53/EC. The regulations are not available in English.

Question C

If hazards are not reduced sufficiently work shall be temporarily stopped. When exposed to chemicals posing a health risk to workers the duration of exposure shall be taken account of in the risk assessment, cf. Regulation of 1 January 2005 No. 08 concerning the working

environment, safety and health of workers on board ship. Paid holiday is not a safety measure established by law.

Questions C - D

Moreover, reference is made to the previous reports.

Article 2 paragraph 5

The Committee is asking for examples of agreements concluded in the private sector and approved by the Labour Inspection Authority regarding exceptions to the weekly rest period.

Section 51 Subsection 3 of the WEA does not open up for exceptions regarding the weekly rest period neither in collective agreements or permissions given by the Labour Inspection Authority. However, the claim of a weekly rest period of 36 hours can be calculated on an average, but can never be shorter than 28 hours in any single week. Such an agreement can be arranged in a collective agreement or the Labour Inspection Authority can give permission.

An employee who has worked on a Sunday or public holiday shall be off duty the following Sunday or public holiday. The Labour Inspection Authority can pursuant to Section 51 Subsection 3 Paragraph 4 permit exceptions from this rule. We do not have an exact number on permissions given by the Directorate of Labour Inspection Authority, but the total number for 2003 and 2004 is estimated to be around 50.

Moreover, reference is made to the previous reports.

Article 2 paragraph 6

Reference is made to the previous reports. The listed provisions in the previous reports are the relevant provisions that states that the employees are entitled to information on an individual level.

One of the most important provisions is found in Section 55 C of the WEA, concerning the content of the contract of employment. It states that the contract of employment shall at least include the following:

- a) the identity of the parties;
- b) the place of work; where there is no fixed or main place of work, the contract of employment shall provide information to the effect that the employee is employed at various locations, and state the registered place of business or, where appropriate, the home address of the employer;
- c) a description of the work or the employee's title, grade or category of work;
- d) the date of commencement of the employment;
- e) if the employment is of a temporary nature, its expected duration;
- f) the rights of the employee to holidays and holiday pay, and the rules concerning the fixing of dates for holidays;
- g) the periods of notice of termination applicable to the employee and the employer, cf. Section 58 of the WEA and Sections 9, 10 and 11 of the Civil Service Act;
- h) the pay applicable or agreed on commencement of the employment relationship, any supplements and other remuneration not included in the pay, e.g. pension payments and meals/accommodation allowances, and payment intervals,

- i) the normal daily or weekly hours of work,
- j) where appropriate, provisions relating to at trial period of employment, cf. Section 58 Subsection 6 and Section 63 of the WEA and Section 8 of the Civil Service Act;
- k) information concerning any collective pay agreement governing the employment relationship. If the agreements have been concluded by parties outside the enterprise, the contract shall contain information as to who the parties to the collective agreements are.

In addition to the already mentioned provisions, we may also mention that pursuant to Section 55 D of the WEA, changes in the employment relationship as mentioned in Section 55 C shall be reflected in the contract of employment at the earliest opportunity and no later than one month after the date of entry into effect, except if the changes are due to amendments of acts, regulations or collective pay agreements under certain circumstances.

There is no possibility of derogation from the rules.

If an employer does not comply with the information required, the Labour Inspection Authority may order the employer to draft a written contract of employment pursuant to the provisions laid down in the WEA, cf. Section 55 E.

Pursuant to Section 57, Subsection 2 of the WEA, the notice shall contain information concerning the employee's right to demand negotiations, to institute legal proceedings etc. If notice is not given in writing or does not contain the information required, there is no time limit for instituting legal proceedings.

Moreover, reference is made to the previous reports.

Questions from the ECSR:

The ECSR takes note of the Basic Collective Agreement for the Civil Service containing regulations on working hours. It asks that the next report clarify what are the maximum daily and weekly working hours when normal working hours are exceeded

Answer:

Weekly working hours were for Civil Servants reduced from 40 hours to 37.5 hours per week, by a general agreement from the 1 January 1987. Working hours per day shall not exceed 7.5 effective hours, five days per week.

The employer and the workers representatives can agree on calculations of averages for working hours during a period of one year. The working hours may not exceed 10 hours per day, and the maximum weekly working hours, overtime included, must not exceed 48 hours in average, during a period of four months.

The length of daily working hours may not exceed 14 hours a day. The employer and the representative of the workers may agree on a written agreement that exceeds the length of daily work until 16 hours a day.

These regulations are according to Section 47 of the Working Environment Act of 1977. (A new Working Environment Act came into force 1 January 2006.)

Article 3

Article 3 para. 1 to 4

Reference is made to previous reports as regards regular employees (not seamen).

Article 3 para. 1

Reference is made to previous reports

Article 3 para. 2

Question A

The personal scope of regulations in this area is as stated in the **Seamen' s Act section 1** – any person who is employed on board a Norwegian ship, and who is not only working on board while the ship is in port. The material Scope of regulations given by virtue of the seamen's Act is all hazards, mental or physical, which the seamen may be exposed to. In the following please find the material scope of the general regulation on this area: *"The objective of this regulation is to ensure that work and off-duty time on board is arranged and organized so that the safety and physical and mental health of the workers is ensured in accordance with the technological and social development of society. The regulation shall furthermore ensure that the workers' safety and health is protected from hazards that arise by exposure to chemicals and biological factors in the working environment. "*

As to atypical employment the following provision is ensuring them the same protection as regular employees.

“§ 1-4 Responsibility for safety and health in other activities on board

1. If other activities are carried out on board , these shall be coordinated with the operation of the ship in general and be organized in accordance with this regulation.
2. The person in charge of other activities on board and that person's employer are also required to ensure that the activities which are their responsibility are organized in accordance with this regulation.”

Question B

Reference is made to previous reports.

With regard to the ECSR's observations, we would like to add the following:

Content of the regulations on safety and health at work

Exemptions from regulations can only be given if they comply with the EEA-agreement. Thus, exemptions from the exposure limits in Directive 83/477/EEC on the protection of workers against risks connected with exposure to asbestos during work, as amended by directive 91/382/EEC, are not given.

Directive 2002/44/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibrations) has been implemented into Norwegian legislation through the Regulations relating to Protections against Mechanical Vibrations. The regulations came into force on the 6th of July 2005. The regulations have not yet been translated into English, but a Norwegian copy is enclosed.

The employer is responsible for giving the employees all the training, practice and instructions that are necessary in order to perform work safely. This obligation applies to all workers, irrespective of the length and type of their contract. This means that even if another employer has given the employee training, the employer has to make sure that the employee has received sufficient training etc. in order to perform work for him or her.

As regards medical surveillance, the principal rule is that the employer is only obliged to offer health examinations if it is required by the work performed for him. However, when examining the employee, the medical doctor must take into consideration that the employees may be exposed to unhealthy conditions both outside the workplace and when working for another employer. In this respect, the total situation of the employee must be assessed.

Article 3 para. 3

Question A

Reference is made to previous reports.

Reference is also made to previous reports as regards the methods applied by the Labour Inspection Authority and the places of work subjected to the control of the Labour Inspection Authority. In addition, we submit the following statistical data regarding the inspections of the Labour Inspectorate:

Table 2

Year	2003	2004
Number of inspections	11 992	13 300
Number of businesses inspected	9 417	10 431
Number of workers covered by the inspections	236 207	266 489

There are 194 682 businesses with employees and 113 468 businesses without employees under the Labour Inspection Authority's supervision. There are approximately 2.3 million workers in Norway.

Question B

Reference is made to previous reports. In addition, we submit the following data on violations of health and safety regulations:

The number of inspections that resulted in some sort of reaction, and the number of reactions in the ten areas with most reactions in 2004:

Table 3

Businesses	Number of inspections	Number of inspections that resulted in one or more reactions	Number of reactions
Agriculture and forestry	638	327	739
Building and construction	3582	1240	3034
Commodity trade and repair	2434	1374	4154
Health- and social services	967	352	741
Hotel and restaurant	1081	393	901
Real estate	775	292	764
Public administration	559	173	471
Transportations	364	141	339
Other social and personal services	904	564	1603
Industry	1457	763	2441
Total	13300	5836	4154

The numbers of different types of reactions in 2004:

Table 4

Businesses	Notices of orders	Decisions of orders	Notices of coercive fines	Decisions of coercive fines	Reports to the police	Establishments closed down
Agriculture and forestry	444	652	98	35	0	13
Building and construction	973	1620	267	97	9	1134
Commodity trade and repair	3589	3616	721	519	0	37
Health- and social services	579	578	58	17	0	3
Hotel and restaurant	587	713	122	78	0	4
Real estate	525	553	55	28	2	61
Public administration	402	363	46	25	0	2
Transportations	273	271	43	18	0	6
Other social and personal services	1501	1267	210	168	2	3
Industry	1870	2014	384	220	0	86
Total	3589	3616	721	519	13	37

The statistics for 2003 were submitted in the last report.

The maritime sector:

- a. All serious accidents and other violations of maritime legislation are investigated by the Maritime Investigators. In 2005 561 cases was investigated.
- b. Maritime sector (merchant and fishing- and catching vessels).
- c. No relevant statistics are available.

Question C

Reference is made to previous reports regarding preventative measures.

We provide updated statistical information on occupational accidents and occupational diseases in 2004. The numbers do not include injuries in the supervising areas of the shipping-oil and fishing authorities. The statistics for 2003 were submitted in the last report.

Recorded occupational injuries in different sectors in 2004:

(Status as of 20.12.2004)

Table 5

Businesses	Number of injuries	Number of employees
Forestry and agriculture	302	63000
Fishing	86	16000
Mining and extraction of raw materials	170	33000
Production of food beverages and tobacco	1431	50000
Production of textile and clothing	57	5000
Production of leather and leather products	5	1000
Production of wood products	415	17000
Wood processing, graphic production and publishing	336	41000
Production of coal and petroleum products	4	1000
Production of chemicals and chemical products	152	17000
Production of rubber and plastic products	115	5000
Production of other mineral products not containing metals	266	8000
Production of metal and metal goods	797	33000
Production of machines and equipment	366	21000
Production of electric and optical products	156	20000
Production of means of transportation	835	34000
Other industrial production	171	12000
Energy- and water supply	288	16000
Building and construction	2846	160000
Commodity trade, repairs of vehicles and household goods	1546	345000
Hotel- and restaurants	333	70000
Transports and communication	1941	149000
Financial services and insurance	53	48000
Real estate	874	223000
Public administration	2027	144000
Teaching	2603	195000
Health- and social services	5504	449000
Other social- and personal services	507	96000
Paid housework	4	2000
Undefined	140	1000
Total	24330	2276000

Recorded fatal accidents in 2004:

Table 6

Businesses	Number of accidents	Number of employees
Agriculture and forestry	11	63000
Mining and extraction of raw materials	3	33000
Production of metal and metal goods	1	33000
Production of wood products	1	17000
Building and construction	2	160000
Transport and communication	9	149000
Commodity trade. Repairs of vehicles and household goods.	1	345000
Real estate	2	223000
Teaching	1	195000
Other social and personal services	5	96000
Energy- and water supply	1	16000
Public administration	1	144000
Total	38	2276000

Recorded occupational diseases in the fifteen sectors where most occupational diseases were recorded in 2004:

Table 7

Businesses	Number of diseases	Number of employees
Forestry and agriculture	65	63000
Mining and extraction of raw materials	79	33000
Production of food beverages and tobacco	104	50000
Production of chemicals and chemical products	48	17000
Production of metal and metal goods	312	33000
Production of machines and equipment	77	21000
Production of means of transportation	226	34000
Building and construction	514	160000
Commodity trade, repairs of vehicles and household goods	196	345000
Transports	127	149000
Real estate	71	223000
Public administration	323	144000
Teaching	50	195000
Health- and social services	135	449000
Other social- and personal services	62	96000
Total	2870	2276000

We suspect that only about 5-10 percent of occupational diseases are recorded, as there is reason to believe that the responsible medical staff often fails to report occupational diseases pursuant to Section 22 of the WEA. The reasons for this were explained in the last report.

With regard to the Committee's observations, we would like to add the following:

Employment injuries and occupational diseases

The numbers will vary from year to year. The number of fatal accidents in 2003 might be interpreted as a flattening of the declining numbers from 1998. However, this is hard to say, and we do not have a concrete answer to why the numbers increased in 2003. The development will be further examined and followed up this year.

Activities of the Labour Inspection Authority

According to Section 74 of the WEA, the Labour Inspection Authority shall supervise compliance with the provisions contained in and issued by virtue of the act. This includes samples, examinations, checks or enquiries necessary in order to supervise the compliance with the legislation. Section 80 of the WEA states that representatives of the Labour Inspection Authority and any experts or commissions of inquiry appointed pursuant to the act shall have free access at all times to any working premises covered by the act. According to Section 82 of the WEA, all persons subject to inspection pursuant to the act shall, when so demanded by the Labour Inspection Authority and regardless of the duty of secrecy, provide information regarded as necessary for performance of the inspection. An English version of the WEA has been forwarded in connection with earlier reports.

See also the statistical data submitted under question A and B above.

Consultation with employer's and worker's organisations

Tripartite consultations are important parts of the activities of the Labour Inspection Authority, and it is also required by ILO Conventions that Norway is bound by. Thus, the organisations are consulted in a wide range of activities of the Labour Inspection Authority.

The organisations are represented in the Council of the Labour Inspection Authority. The Council comes together 3-4 times a year and views are exchanged as to the activities of the Labour Inspectorate, inter alia on the working environment, initiatives for campaigns, legislation etc.

In addition, the organisations are consulted before new legislation is adopted, and they often participate in working groups developing new legislation. The organisations sometimes also participate in different campaigns etc.

The maritime sector:

Preliminary figures show that 821 work-related personal injuries were reported for the Norwegian domestic and foreign-going fleet in 2005. 7 persons died from the injuries they sustained. For the fishing fleet 214 cases of personal injury were reported. In the fishing fleet there were 5 fatalities. The accidents have not resulted in special preventive measures.

Article 4

Article 4 para. 1

Question A-C

Reference is made to previous reports.

The Norwegian Act of 4 June 1993 No 58 relating to General Application of Wage Agreements etc. (the General Application Act) came into force at the same date as the EEA Agreement in 1994. The objective of the Act is according to Section 1-1: "...to ensure foreign employees of terms of wages and employment equal to those of Norwegian employees, in order to prevent that employees perform work on terms which, based on a total assessment, are demonstrably inferior to the terms stipulated in existing nationwide collective agreements for the trade or industry in question or otherwise normal for the place or occupation concerned."

The objective clause was made during the parliamentary reading, in order, among other things, to prevent decisions on general applicability of collective agreements from being used as a means to provide a general expansion of Norwegian collective agreements.

According to the preparatory works of the Act the aim also is to prevent distortion of competition in disfavour of Norwegian enterprises and employees.

Claims for general application must refer to a nationwide collective agreement and must be put forward by a workers' or an employers' organisation party to the agreement, the workers' organisation having at least 10 000 members and the employers' organisation representing at least 100 employers employing at least 10 000 workers. According to Section 3 Paragraph 1

of the Act, claims for general application of wage agreements may also be put forward by organisations of smaller size, but they can not require the Board to consider merits of the claim. If a regulation of general application is in public interest, the Tariff Board may make such decisions on its own initiative.

The parties to a collective agreement which is made generally applicable have an extended right to launch a boycott in case a decision on such an extension of the agreement is not complied with by the enterprises. The employer or a person managing the enterprise on the employer's behalf is liable to penalty by a fine in case he does not comply with a decision by the Tariff Board. Additionally employees affected or their unions may institute private prosecution.

With effect from 1 October 2004 the Labour Inspection and the Petroleum Safety Authority Norway are given the power to control that decisions on general application are complied with. Irrespective of any clauses of professional secrecy the supervision authorities shall have access to all necessary information. According to the General Application Act Section 8 incompliance with a regulation on general application of wage agreements can be reported to the police.

Even though the General Application Act came into force in 1994, the first claim was put forward in 2003. Case number 1 of the Tariff Board was based on a claim from the Norwegian Federation of Trade Unions (LO) of 19 December 2003 and concerned general application of certain parts of three nationwide collective agreements; the Engineering Industry Agreement (VO), the Construction Agreement (FOB) and the Electrical Installation Agreement (LOK). The claim applied to seven geographically limited petroleum installations onshore in Norway.

The Tariff Board passed on a regulation in October 2004, principally in accordance with the claim from the LO. The regulation implements mainly wage clauses from the wage agreements, among them minimum wage rates. The regulation came into force on 1 December 2004.

The regulation will be terminated 1 month after the VO 2004-2006, FOB 2004-2006 and LOK 2004-2006 are replaced by revised collective agreements or if the Tariff Board passes on a new resolution on general application based on the same collective agreements.

In 2005 another two resolutions were made applicable to other geographically limited areas in Norway.

This is the only method for fixing minimum wage standard by law. Still most of the collective agreements in private sector contain minimum wage rates, particularly those applicable to workers.

Question D

Statistics Norway (SSB) provides national statistics. According to SSB there is no national statistics on lowest wages in the private or public sector. One reason for this is that the statistics is based on samples.

According to SSB the average monthly earnings in 2003 was for all occupations, both sexes, public and private sectors NOK 27.738 and in 2004 NOK 28.742. Monthly earnings include paid, agreed salary, irregular increase of salary, bonus and commission. Supplement for overtime work is not included.

Article 4 para. 2-4

Reference is made to the previous reports. There is no change in the Norwegian legal situation regarding these questions.

Article 4 para. 5

The Committee concludes that the situation in Norway is not in conformity with paragraph 5 of the Revised Charter on the ground that workers may waive their right to limited deductions from wages, has not changed.

The Committee is concerned because the provision in Section 55 of the Working Environment Act limiting deductions from wages to that part of the claim which exceeds the amount reasonably needed by the employee to support himself and his household, does not apply to deductions from wages that have been stipulated in advance by written agreement between the employer and the employee.

The main rule according to the Working Environment Act, Section 55 No. 3 is that deductions from wages or holiday allowance are prohibited. Only the cases listed in Section 55 No. 3 litra a) – f) are exempted from the prohibition. Litra c) allows deductions from wages to be made when the employee in advance has accepted this in writing.

According to Section 55 No. 3 Second Paragraph of the Working Environment Act deductions from wages shall be limited to that part of the claim which exceeds the amount reasonably needed by the employee to support himself and his household. The limitation does not directly apply to deductions from wages that have been stipulated in advance by written agreement between employer and the employee. The limitation will, however, serve as a rule of conduct to the employer and the employee when concluding an agreement of deduction from wages. This is expressed in legal theory, and this is also the case in practice. We are not aware of any legal disputes in this respect, and if there had been any problems, the matter undoubtedly would have been addressed by the workers' organisations in the work with the revised Working Environment Act which was finished in June 2005.

We would like to emphasize that the prohibition and limitation of deductions of wages in Section 55 is meant to protect the employee against deductions made one-sided by the employer or a third person, creditor etc, and stipulated without the employees accept. The purpose of this regulation is to make sure that the employees' wages are predictable and that no amounts can be deducted from the wages without his accept or knowledge.

We are therefore of the opinion that the Norwegian legislation in this respect is in conformity with the Revised Charter.

Article 9 - The right to vocational guidance

A Function, organisation and operation

The Norwegian Public Employment Service, Aetat, is organised at national level and at local level through Employment Offices (Aetat local) and specialised services at county level. Aetat offers some vocational training through labour market measures for registered unemployed people.

(See also contribution from the Ministry of Education and Research below)

Aetat Utdanning Europa (Euroguidance Norway). The Norwegian national resource centre for Vocational Guidance, was in 2003 and 2004 a part of The Department for Labour Market Services within the Directorate of Labour. The purpose of the centre is to strengthen the career advisor's knowledge about education in Europe and to facilitate education mobility.

B Expenditure, number of staff and of persons and of persons assisted

The vocational guidance given by Aetat is free of charge.

End of 2004 there were approximately 3 900 employees in Aetat. A rough estimate shows that more than 60% of our staff works directly towards the users of Aetat's services, vocational guidance included. The employees in Aetat mostly have higher education, but formal training in vocational guidance is not required.

The vocational guidance services in Aetat are not offered as an exclusive service given to people who solely ask for this kind of service. It is, however, integrated with all services rendered by Aetat (e.g. unemployment benefits, vocational rehabilitation, vocational measures, etc.). This means that most users registered with Aetat, receive guidance to some extent, adjusted to each person's demand. On account of new political priorities as from 2002, Aetat has increased its efforts towards personal service adaptation throughout 2003 and 2004.

The Aetat Centre for Vocational Rehabilitation (SYA) provides services to jobseekers in the Eastern and Southern parts of Norway suffering from brain damage or impaired sight or hearing, to increase their chances of finding work. The centre is responsible for three main areas:

- Service and aid to job-seekers.
- Experimental and developmental work, nation-wide responsibility for developing and testing methods relevant to the target groups.
- Transfer of skills to other bodies with responsibility in this area.

Employment counselling offices provide the Employment offices with specialist knowledge for work with job-seekers who experience special obstacles and limitations in connection with their work and education. The Employment counselling offices work with the individual jobseekers to define preconditions and opportunities for work, setting realistic goals and finding solutions and development opportunities to enable them in achieving these goals. These offices are also involved in developing methods and in-house education.

Nationals of the other Contracting Parties to the Charter

Foreigners resident in Norway have with one exception, access to vocational guidance services on an equal basis with Norwegian nationals: They do not have the right to vocational guidance at adult training institutions (“voksenopplæringsinstitusjoner”) when attending them to learn Norwegian and when not belonging to an ordinary adult secondary school class. However, most adult training institutions choose to provide vocational guidance to foreigners and Norwegians on an equal basis. Adults (both Norwegians and foreigners) who do not have the right to secondary school training and who are not registered with Aetat will have to seek private solutions.

Aetat Intro - Introductory Programme for Foreigners (units in almost all of the 19 counties), is organised as course/training units that provide assistance to job-seeking immigrants and refugees in the larger cities. These are aimed at persons who need to clarify their position towards the labour market, and who are in need of theoretical and practical training and work experience. Intro-courses can be combined with job practice/traineeship for foreigners.

Aetat has no surveys as to public expenditure for vocational guidance and as to the number of guidance counsellors in our organisation. However guidance is a basic service to be rendered through the local Aetat offices and through written information also available at the website www.aetat.no.

Contribution from the Ministry of Education and Research:

According to the Education Act § 9-2, “The pupils have the right to necessary guidance on education, careers and social matters. The Ministry issues further regulations.

The pupils shall access to school library. The Ministry may issue further regulations.”

A common standard is ensured by way of legislation, but in recent years, responsibility and decision-making authority has been delegated from the central government to county authorities. Therefore the individual municipalities are responsible for running guidance in primary and lower secondary schools, while county authorities manage upper secondary schools.

Question A

- a) The access to service is free of charge.
- b) The guidance work is carried out in the public sectors.
- c) The labour market authorities provide guidance and training for the labour market in co-operation with the education authorities (see above)
- d) Norway has a uniform upper secondary school, combining general theoretical education and vocational training. General theoretical education and vocational training are provided side by side, often in the same school building. The training will be provided both at school and at the workplace.
All pupils and apprenticeships have the access to guidance given by the municipalities and county authorities.

According to the Education Act § 12-3, all county authorities are obliged to establish County vocational training boards. The members of these boards are appointed of employees’ and

employers' organisations. The boards give advices to the county authorities on matters about guidance, apprenticeship places, labour market and other matters about vocational education and training.

e) To promote lifelong learning The Ministry of Education and Research has initiated some projects on guidance service. These projects are intending to promote models with closer links between the labour market services and the education system, and be a better service for all the customers.

f) County authorities are obliged by law to follow up young people between 16 and 19 who are currently neither attending a course of education or in employment. Pupils entitled to special needs education are entitled to up to two years upper secondary education in addition to the statutory three years when needed.

Question B

Norway has developed several courses at Technical Collages in the field of VET to promote advancement. Such information is part of the ordinary guidance service.

Question C

Reference is made to question A, b (above).

Question D

a) The guidance service is part of the total budget to the municipalities and county authorities. The authorities organise the service, the amount and human resources themselves.

b) - d) Reference is made to a (above).

Question E

Equality of access to vocational guidance is satisfactory for all groups.

Article 10 - The right to vocational training

Article 10 para. 1

Question A

a) Since 1994, everyone between the age of 16 and 24 has had a statutory right to three years' upper secondary education leading to higher education, vocational qualifications or lower level qualifications.

Since 2000 all adults borne before 1978, have a statutory right to upper secondary education. Non-formal learning may lead to the shortening of a course or exemption from examinations or tests.

Since 2001, adults aged 25 and over also have the possibility to entry higher education institutions on the basis of non-formal learning.

b) The amount of public expenditure devoted to vocational training is part of the total budget to the county authorities.

c) No national statistics available.

To indicate the volume: Of a brood on 50 000 pupils, about 15 000 ends up as apprenticeships.

d, e) No national statistics available.

Question B

Most of the students follow the so called 2+ mode. It means that the pupils take the first two years of vocational education at school, and then go on to take the remainder of their training in an establishment. In their first year at school, pupils follow a foundation course. A total of 12 vocational courses, each covering a general range of subjects, lead to qualifications in a recognized trade.

Question C

In Norway the social dialogue is legislated, both on national and regional level. The social partners give advices on guidance, labour market, apprenticeship places, among other matters to the authorities.

Question D

Those who opt for vocational training can acquire the necessary qualifications for entrance to higher education by attending an additional course in general theoretical knowledge. Since 2001, adults aged 25 and over also have the possibility to entry higher education institutions on the basis of non-formal learning.

Question E

Equality of access to vocational training is satisfactory for all groups.

Article 10, para. 2

Access to apprenticeships is part of the educational system at the level of secondary education. Those aiming at becoming craftsmen/skilled labour may finalise the theoretical as well as the practical training within the secondary educational system. Skills are acquired both through training at school plants and/or with companies offering apprenticeships. The supply of apprenticeships from companies may vary in conjunction with upturns/downturns in the national economy, from region to region and between various sectors. Financial incentives are available for companies offering apprenticeships.

Question A

The main model for vocational education and training is 2+, but if wanted the whole period can be accomplished as an apprenticeship in an enterprise.

Training establishments that provide training receive government's grants. 80 000 NOK per apprentice is given for one year of full-time training.

Question B

No national statistics available.

Question C

Reference is made to Article 10 (1), question B.

Question D

(Not relevant)

Question E
(Not relevant)

Question F
Equality of access to apprenticeship training is satisfactory for all groups. The access of training establishments are however dependent on conjunctures, which is outside of the authorities' control.

Furthermore, reference is made to previous reports.

Article 10, para. 3

Question A
In 1998 the Norwegian Parliament adopted the Competence Reform that embraces all adults and is based on interaction between several actors. The reform shall aim to meet the need for new or changed competence in society, in the workplace and for the individual. One important objective is to make the workplace an attractive arena for learning.

Question B
Training takes place in the public educational system, adult educational associations, local folk high schools, distance education institutions and other private institutions as well as the workplace.

Question C
The measures described are applicable to all.

Question D
There are approximately 1 million participants in adult education each year.

Question E
There are no special measures for women. But considerable efforts have been made in recent years to improve educational opportunities for disadvantaged groups through adult education. This applies to adults with particularly weak schooling, various groups of physically disabled persons, adults with reading and writing difficulties and adult immigrants.

Question F
Equality of access to adult training and retraining is satisfactory for all groups.

Contribution from the Labour Market Authorities (Aetat):

Labour market measures are important to get the unemployed back to work. The budgetary allocations for labour market measures fluctuate according to the situation on the labour market (table below).

In total, allocations for ordinary labour market measures rose by 40% during the reference period. A major part of ordinary labour market measures is constituted by labour market courses – 46.829 participants. The duration of ordinary labour market measures does normally not exceed 3 months as opposed to measures for occupationally handicapped jobseekers (row

3). For the latter group an increase of 20% therefore, constituted a higher budgetary increase than the increase of allocations towards ordinary labour market measures. The increase towards occupationally handicapped was partly due to the actual increase in the number of jobseekers of occupational rehabilitation – for whom Aetat is providing income support benefits.

Number of participants in labour market measures over the years 2001 - 2004

Table 8

	2001	2002	2003	2004
Labour market courses (AMO) Number of participants for each year	28382	25196	38854	46829
Number of participants in ordinary labour market measures for each year	41329	37706	56206	69388
Number of occupationally handicapped job seekers in labour market measures for each year	79598	82225	91014	98202

Labour market courses (or labour market training – LMT) is considered to be the most important measure as to qualify and update competence among unemployed, to strengthen their possibilities of getting new jobs. For several years, the volume of LMT amounts to more than 50% of the total volume of ordinary measures. The main focus of target groups in Norway is directed towards groups at a risk in the labour market: Occupationally handicapped jobseekers, long term unemployed, non-Norwegian speakers, young unemployed under 20 years old and unemployed with low formal competence, including persons with meagre reading and writing skills. The latter groups are the main target groups for all ordinary labour market measures.

Temporary substitute post for unemployed persons

This measure implies that substitutes temporarily take over the positions of employees. This measure is to enhance the substitute's possibilities to obtain ordinary work, while the employee gets an opportunity to improve his qualifications. This measure facility is rarely used in Norway.

Article 10, para. 4

The labour market authorities provide training for the unemployed in co-operation with the education authorities. Courses give vocational qualifications and are provided by a number of different agencies including upper secondary schools.

Question A

In respect of vocational training, charges or fees as daily travelling, boarding, childcare and school materials are to be paid by the participants in training. The Public Employment Service (labour market administration), Aetat, compensates most of these expenses according to annually revised support levels.

Question B

Participants on labour market measures receive financial compensation paid by Aetat in accordance with the rules and regulations for each programme. With the exception of unemployment benefits (which may be a benefit option) there were no substantial changes in these regulations during 2003 and 2004.

Participants in labour market training programmes receive financial compensation by Aetat. This benefit is a fixed support which includes compensation for expenses regarding daily travelling, boarding and child care. Participants with a right to obtain unemployment benefit may choose whether to receive their unemployment benefit or to receive the fixed support. Changes in the system of unemployment benefits came into force as from 1 January 2003.

Temporary substitutes:

Participants receive a normal salary from their employer during the period in the program. Aetat pays a fixed grant to the employer (just in the excess of NOK 13.000 pr. month)

In-company training:

Participants receive their ordinary salary paid by their employer. During the training period the company may be granted up to 50% of the wage costs, and in addition the cost for training will be refunded according to fixed rates.

Participants in labour market measures for vocationally disabled receive financial compensation for expenses regarding daily travelling, boarding and child care. Participants with low income may have a right to obtain compensation for housing expenses in accordance to the rules and regulations set by the Ministry of Labour and Social Inclusion/Aetat.

People, who have obtained a valid residence permit and work permit from the Norwegian government, are entitled to equal treatment as Norwegian citizens regarding possibilities to participate in labour market programmes. This is also applicable for nationals of other Contracting Parties.

Question C

In house training:

The target group of this measure is employees, preferably in small and medium-sized companies, and unemployed people. The purpose of the measure is to help businesses with restructuring and new recruitment.

In house training for the vocationally disabled:

The target group for this measure is a company's own employees. The purpose is to prevent exclusion from working life by encourage employers to initiate rehabilitation measures for own employees that may benefit from them.

Question D

Aetat cooperates with local Social Insurance offices, Municipal social welfare offices and community follow-up services, to ensure that young job seekers are subject to appropriate services.

Young people below the age of 20 years who do not have a job or attend school, are entitled to receive labour market measures. Aetat can offer information, guidance and counselling to find a job or grant access to a labour market measure. Young people as from the age of 20 can join labour market measures such as “Job clubs”, in which the purpose is to help job seekers to find a job. Another measure is Labour Market programmes whose main purpose is to qualify job seekers for ordinary work.

In general the endeavour of Aetat is to motivate young people to continue education.

Question E

The sub-paragraphs a,b and c of Article 10 para.4 are applicable to the great majority of the persons concerned.

Article 10 para. 5

Question B

It is referred to previously submitted information regarding this question as there have been no changes during the report period.

Question C

The question is not relevant.

Question D

Reference is made to Article 9 question D.

Article 15

Article 15 para. 1

Question A

Occupational disabled jobseekers (jobseekers of occupational rehabilitation) receive the same offers from the employment services as other jobseekers. The service rendered is, when taking into account the possibilities and demands of the labour market, based on an individual assessment of the jobseekers' wishes, qualifications and opportunities.

The type and degree of occupational disability (which has a limited duration pending future clarification on working capability/needs to be granted the status of disability pensioner) decides what kind of measures that may be offered.

If rehabilitation is appropriate, an individual action plan is set up, and the jobseeker will be followed up during the rehabilitation period.

Occupationally disabled jobseekers with special and complex needs may be referred to an Employment counselling office by the local Employment offices. These units are located in all counties and are staffed by rehabilitation specialists, including psychologists. In addition, The Centre for Vocational rehabilitation (SYA) in Oslo has special offers for jobseekers having impaired sight or hearing, or who have suffered head injuries.

The number of persons with disabilities age 16-66 by labour market status

Table 9

	2. quarter 2002	2. quarter 2003	2. quarter 2004	2. quarter 2005
Persons with disabilities:				
Number	438 000	433 000	476 000	471 000
In percent of all persons aged 16-66	14,7	14,4	15,7	15,4
Employed persons with disabilities:				
Number	204 000	184 000	220 000	209 000
In percent of all persons with disabilities aged 16-66	46,6	42,5	46,3	44,3
Unemployed persons with disabilities:				
Number	13 000	17 000	12 000	17 000
In percent of all persons with disabilities aged 16-66	3,1	3,9	2,4	3,7

Source: [Statistics Norway](#)

Question B, a-c

(b) Persons with disabilities are integrated as far as possible in ordinary schools, whether private or public school is chosen. All pupils have a statutory right to a place of employment adjusted their needs. The school has to be fitted out in order to take persons with disabilities in consideration.

Pupils who do not benefit sufficiently from the ordinary instruction, whatever the reasons might be, have the right to specialised instruction.

The public employment service, Aetat, has since 1 July 2004 the total responsibility for vocational rehabilitation. If Aetat considers that a person could work with the right help, a range of general and special measures is available. People keep their benefits whilst in education for up to 3 years and while they are on job training or attend to other labour market measures.

The service given by Aetat is based on individual assessment of the job seekers wishes, qualifications and opportunities in relation to the possibilities and demands of the labour market. The methods of vocational rehabilitation of disabled people are based upon some fundamental principles:

- Every person has the right to participate in working life to the best of his/her abilities.
- open employment is preferable to sheltered employment
- Work should be encouraged before labour market measures are considered.

- Focus on work opportunities

The philosophy is that the rehabilitant has the main responsibility for making his or her plans and carrying them out. The Public Employment Service is responsible for informing and counselling the rehabilitant regarding his or her rights, duties and opportunities, and for considering the suitability and necessity of proposed schemes.

Evaluation of disabled persons' vocational skills

Vocationally disabled jobseekers participate, in cooperation with Aetat, in an information and guidance process to elaborate an individual plan of action. In this process the qualifications and vocational opportunities of the jobseekers are considered before the jobseekers and the staff of the Labour Market Administration agree about the choice of measure to be granted.

Vocational training facilities Staff qualifications

Vocational rehabilitation covers a diversity of issues. It involves stages of information, guidance and gaining qualifications for the job applicant, in addition to arranging work placement. The trainers and advisers are responsible for arranging the rehabilitation and ensuring the qualification process, in such a way that the participants are enabled to have a positive experience of their work situation. This means that trainers and advisers must take into account the capabilities of the individual as well as the changing interaction between the job seeker, the rehabilitation measures and labour market. To present realistic and effective offers of rehabilitation requires both good organization as well as specific training competence.

Training in vocational rehabilitation is also being bought from private companies and there are regular seminars for staff who are working in this field.

Assessment of the adequacy of vocational training facilities

In general the need for vocational training resources is greater than the number of available places. In 2003 and 2004 there was a significant budgetary increase for measures towards vocationally handicapped. About 80% of the overall vocational training budget is allocated to the vocational training of jobseekers with disabilities. It is difficult to state an exact percentage because many persons with disabilities attend ordinary education. These persons get their funding from the National Insurance Service (Trygdeetaten).

Furthermore, reference is made to previous reports.

Table 10

Occupationally disabled participants by type of measure

Type of measure	Stock in year 2003	Stock in year 2004
Labour market enterprise (phase 1 & 2)	3981	3636
Labour market enterprise (phase 3)	1592	1547
Supported employment	2510	2992
Work experience	8241	9752
Wage subsidies	1689	1569
Temporary employment schemes	744	402

Training	22711	27853
Permanently adapted work in employment co-operatives	6315	6761
Other measures	9270	2488
<hr/> Total	<hr/> 57052	<hr/> 56999

Question B, f.

Employed people who leave work due to illness or disability get sickness benefit for one year, paid at 100% of salary. Disabled unemployed people undertaking vocational rehabilitation can either keep their sickness benefits or claim rehabilitation benefits, worth about 66 % of salary. Participants in labour market measures for vocationally disabled may also receive financial compensation for expenses regarding travelling, child-care, housing, school plant, and sponsor.

People who does not qualify for vocational rehabilitation benefits, e.g. persons with a medical disability that does not exceed 50%, can be granted a course participant benefit from Aetat local labour office while undertaking vocational rehabilitation. This benefit is given by a fixed rate per day, from 1 January 2006 the rate is NOK 265 per day for persons over the age of 19, and NOK 190 for persons under the age of 19. The participants may also receive financial compensation for expenses regarding travelling, child-care, housing, and school plant.

Question C

The abovementioned rights, ref. question B(b), are applicable for all pupils, also pupils with disabilities.

With exception of education, the measures mentioned above are available to all persons with disabilities irrespective of age, the nature and origin of their disability. To undertake education as a measure under vocational rehabilitation, the main rule is that the person has to be over the age of 26.

The labour market challenge is to cut the inflow to Disability Pension. Here the numbers are rising, and therefore one fundamental principal is that work should be encouraged before disability pension is considered.

Question D

No available statistics.

The committee asks how many young and adult persons with disabilities are integrated into mainstream and specialist vocational facilities and what are the measures available to assist their integration into mainstream facilities. It further wishes to know whether the number of places available in these vocational facilities matches the demand.

Reference is made to the report under Article 9 and 10 and to the enclosed annual reports and statistics from Aetat.

Article 15 para. 2

Reference is made to previous reports.

Question A

For data of the labour market situation for people with disabilities: Reference is made to table 9 under para 1, question A.

Employment policy for the disabled: Measures and results -- Sheltered employment

In each Labour market enterprise there is a Rehabilitation committee. The committee is composed of the governing board of the enterprise. The committee is to consist of one management representative, the company medical doctor (if they have one), one member from the local Aetat office, one from cooperating organisations and one representative from the vocational workers in that enterprise.

The rehabilitation committee is to give advice about the adaptable content of the measure, the recruitment, follow-up and of the implementation process for each vocational member. The board may also express its advice on the job seeking process of the person undergoing occupational rehabilitation.

All the members of the committee are committed to their professional secrecy regarding internal and personal information.

All labour market programmes are in general open for persons with mental handicaps. "Sheltered employment" (AB) is a measure especially aimed at persons with severe vocational disabilities. The purpose of this measure is to help disabled people to obtain and keep jobs in ordinary working life. About 40% of the persons in the sheltered employment measures, have mental handicaps.

Table 11**Occupationally disabled participants in permanent adapted work by type of measure**

Type of measure:	Stock in year 2003	Stock in year 2004
Labour market enterprise (phase 1)	1472	1420
Labour market enterprise (phase 2)	2510	2216
Labour market enterprise (phase 3)	1592	1547
Work experience in sheltered enterprises	2732	3296
Permanently adapted work in employment co-operatives(ASV)	465	146
Permanently adapted work in employment co-operatives(PV)	1027	743
Permanently adapted work in employment co-operatives (VVA)	127	109
Permanently adapted work in employment co-operatives(VASV)	4696	5763
Total	14620	15240

Measures to encourage employment for occupationally handicapped jobseekers on the open labour market are important parts of active labour market policies in Norway. Measures designed for this target group in the open labour market:

Wage subsidies to employers, Practice positions, Employment measures for occupational people in public sector and Supported employment.

Other measures like *Job preparation measures* (which are sheltered employment, are often used as the initial measure in a process involving several individual measures available for this group in ordinary companies; for example Supported employment and Wage subsidies), Labour market training and Education are to strengthen the possibilities to obtain a job in the ordinary labour market.

The numbers of occupationally handicapped jobseekers on these measures have continued to rise strongly in the period 2001-2004. In the same period the amount of permanent sheltered measures has been quite stable.

It should be noted that in 2004 The Ministry of Labour and Social Affairs and The Directorate of Labour started a thorough scrutiny and evaluation of all labour market programmes and measures including ordinary jobseekers and jobseekers of occupational rehabilitation. The changes that were decided upon in 2005 were put into force 1 January 2006.

For information of the involvement of the organisations of disabled people we refer to previous rapports concerning user's involvement at different levels.

The government have presented the measures in a White Paper "Dismantling of Disabling Barriers". The strategy is to strengthen the individual's capabilities and at the same time make society more accessible – as disability arises in the gap between the individual's capabilities and the demands made by society. The policy for disabled persons is based on the principle of

mainstreaming and promotion of universal design. User participation is an important strategy. Those who are affected by a decision, or those who use services, should have influence on the decision-making procedures and the organisation of services. This is also the case when it comes to labour policy.

Norwegian policy concerning people with disabilities is rooted in the welfare state principles of equality of opportunities, rights and obligations.

The Government's aim is an inclusive labour market and inclusive society. That means to prevent people from falling out of the labour force, and to assist job seekers entering the labour market. A broad range and combination of measures are needed and used in prevention of work disability; labour market policy, social policy, economic policy, education and research policy as well as health services, to mention some areas.

Some initiatives:

- The three parties' agreement on an inclusive workplace.
- Changes in labour policy and the National Insurance Schemes toward a stronger focus on activation policy and vocational rehabilitation.
- An Action Plan and other policy measures promoting universal design
- The action plan to recruit disabled persons to work in the governmental sector
- Reforms in the pension system
- A new Public Employment and Welfare service will be implemented from 1st July 2006 (to be completed in 2009) replacing the Public Employment Service, the National Insurance Service and the Social Assistance Offices.
- A White Paper on strategies and measures to increase labour market participation will be presented to Parliament in the autumn of 2006. It is necessary to design benefits, regulations, statutory rules and services so as to give greater incentives to labour market participation for both disabled and other persons outside the labour market.

The linking of social and economic policy is an acknowledgement of the important role of labour market policy and social policy in creating a competitive and sustainable economy. Even more important, it provides a very powerful and coordinated approach to the mainstreaming of policies directed towards employment promotion and activation as the principal objectives of the social policy. Such policy requires a shift in emphasis from passive income support to active labour market programmes that include training, job counselling and placement assistance and follow-up.

An active labour market policy plays an important role in the Norwegian policy of preventing work disability. An active labour market policy emphasizes job placement services and targeted programmes. Increased importance is put on job-search assistance and job-clubs in order to facilitate job-search activities by the unemployed. The goal is an integrated labour market policy for all. To get good results, it is very important to focus on close cooperation between the labour market authorities, the educational authorities, the health care system and the social security system on the one hand, and with employers on the other hand. The great challenge is to make all the different components working together to help those in need of assistance.

Vocationally disabled persons are defined as job seekers with a physical, mental or social handicap, which reduces their job opportunity. The number has increased the last few years.

The increase, is partly a wished for development. The government has stimulated the use of active rehabilitation measures, in order to bring them back into the labour market and to stop the influx into disability pension.

Vocationally disabled has been the fastest growing, and the biggest single group registered at PES. The number of vocationally disabled workers has risen from grossly 54 000 in 1995 to 94 596 by December 2004. At the same time there has been a significant increase in the number of vocationally disabled workers participating in vocational rehabilitation in this period. The group size is now at the same level as all other groups registered at PES as ordinary jobseekers. This has caused a shift in focus by the PES in favor of a stronger emphasis on the vocationally disabled. It is also given high priority by the Norwegian government.

The policy of integration and normalization implies that disabled persons as far as possible shall be given training and work experience in ordinary work setting, both in the public and the private sector, rather than in segregated sheltered work. The aim is to integrate vocationally disabled persons more fully in the ordinary labour market. Where vocational rehabilitation is considered as appropriate and necessary to ensure that the person can enter or re-enter into ordinary work, a plan of action for rehabilitation is drawn up for each individual job seeker. The plan describes what the person himself has to do and how the PES will assist him or her. The job seeker is supposed to play an active part in the process.

Vocationally disabled may use the whole range of services developed by the PES, from information and counselling, to ordinary labour market measures and job-placement assistance. Programmes aimed at disabled people in ordinary work are offered on a temporary basis. In addition we have a wide variety of labour market measures set up for this target group, including temporary training in sheltered workshops. Vocationally disabled may even attend ordinary school or university courses while receiving benefits. For those with special needs due to strong physical, psychological or social problems, programmes in sheltered sector exist as an alternative. The measures offered in sheltered sector can be on a temporary or a permanent basis.

The ECSR asks for a description of the measures taken to promote the employment of persons with disabilities in an ordinary working environment; including measures obliging employers to adjust working conditions.

We refer to previous reports, and would like to add:

The WEA Section 13 para. 1 and Section 19

The WEA Section 13 para. 1 states that “passageways, sanitary facilities, technical appliances and equipment etc. shall, to the extent possible and reasonable, be designed and arranged so that employees with a reduced capacity for work can work at the undertaking.”

This provision is meant to ensure that all working premises, to the extent possible and reasonable, are physically and practically accessible so that i. a. people with disabilities can work there. The provision applies without regard to whether a person with a disability is actually working or has applied for a job at the undertaking. The provision, which is maintained by the Labour Inspection Authority, states that any person wishing to erect a building etc. that will or may foreseeable be used by an undertaking subject to the WEA must obtain prior consent from this authority, cf. Section 19.

The wording of this provision was changed in April 2003 as the former used term “vocationally disabled employee” was changed into the term “employee with a reduced capacity for work”. The change was made to clarify that the provision is meant to comprise both employees with a temporary and employees with a permanently reduced capacity for work. However this amendment was first and foremost aimed at the second paragraph of Section 13, see question B below. Persons with disabilities are the real target group of this provision, and in the new Working Environment Act which entered into force 1 January 2006 (Act of 17 June 2005 No. 62 relating to working environment, working hours and employment protection, etc) the wording was changed into “employees with disabilities”.

The WEA Chapter X A

By law 26 March 2004 the Parliament adopted a new chapter to the WEA whose purpose is to ensure equal treatment in employment and occupation. This chapter implements Council Directive 2000/ 78/ EF establishing a general framework for equal treatment in employment and occupation. Also before the new chapter was inserted persons with disabilities enjoyed protection against discrimination, but since the amendments entered into force 1 May 2004 they have enjoyed a more extended and more explicit protection against discrimination in all phases of employment.

The chapter applies correspondingly to the employer’s selection and treatment of self-employed persons and contract workers. According to Chapter X B Section 54 L Chapter X A applies correspondingly to enrolment and participation in a trade union, employers’ organization or professional organization.

The prohibition against discrimination on the basis of disability

The WEA Section 54 B establishes a prohibition against direct and indirect discrimination on the basis of a disability.

There is no legal definition of the term disability or person with disability. However in this context these terms roughly refer to a person whose ability to function in a job is reduced as a result of a lasting physical or mental impairment which is caused by an injury or disease. The prohibition against discrimination applies also if the discriminating act is purely based on prejudices concerning persons with disabilities.

In Section 54 C direct discrimination is defined as a situation where a person is treated worse than other persons are, have been or would have been treated in a comparable situation on the grounds mentioned in section 54 B. Indirect discrimination is defined as a situation where an apparently neutral provision, condition, practice, act or omission that in fact has the effect that a person is treated worse than others for reasons referred to in Section 54B (1), unless the purpose is just and the means selected to achieve the purpose are appropriate and necessary.

Harassment and instruction to discriminate on the basis of disability are also regarded as discrimination. Furthermore adverse treatment by the employer as a reaction to a complaint within the undertaking or to any legal proceeding aimed at enforcing compliance with the provisions of the chapter is prohibited, cf. Section 54G. This does not apply if the employee has acted in gross negligence. On the other hand special treatment that helps to promote equality of treatment is not in contravention of the provisions of the chapter, cf. Section 54 E.

The employer’s obligation to adapt the work etc to the individual disabled person

To ensure equal treatment the employer shall as far as possible implement the necessary measures to enable employees with disabilities to obtain or retain employment, perform and make progress in work and have access to training and other forms of competence development, cf. section 54F. However this shall not apply if such measures would involve an excessive burden on the employer. This means that refusing to engage a disabled applicant solely because engaging him or her would make adaptation of eg. the work or work equipment necessary, is in contravention with this provision unless it must be seen as an excessive burden. Unlike section 13 para. 1 this provision only applies if a specific disabled person has applied for a job or is working at the undertaking. Section 54 F implies an extensive obligation for the employer to make the necessary adaptations, note also section 13 para. 2 below.

Exception from the prohibition

According to section 54 D no 1 discrimination that has a just cause, that does not involve disproportionate intervention in relation to the person or persons so treated and that is necessary for the performance of the work or profession, shall not be regarded as discrimination. In the white paper to the Storting no 104 (2002-2003) it was stated that this exception must be interpreted in a very restrictive manner. The fact that the employer will gain financially by engaging a person without disabilities does, as a rule, not in itself make a difference in treatment legitimate.

Judicial effects of discrimination

Section 54 J states that anyone who has been discriminated against or subjected to retaliation in contravention of the provisions mentioned above may demand compensation without regard to the fault of the employer. The compensation shall be fixed at the amount the court deems reasonable in view of the circumstances of the parties and other facts of the case. Compensation for financial loss as a result of discrimination or retaliation in contravention of the provisions mentioned above may be claimed pursuant to the ordinary rules. Such demands for compensation may be brought before the courts of law. It can be mentioned that from the 1 January 2006, such cases may also be brought before the The Equality and Anti-discrimination Ombud and the Equality and Anti-discrimination Board of Appeals.

Question B

The Committee asks for a specification of the measures that are taken to ensure the *retention* of persons with disabilities in employment.

We refer to previous reports, and would like to add:

The WEA Section 13 paragraph 2 states that “if an employee, temporarily or permanently, suffers reduced capacity for work as the result of an accident, disease, fatigue or the like, the employer shall, to the extent possible, implement the necessary measures to enable the employee to retain or be given suitable work. Preferably the employee shall be given the opportunity to continue his normal work, possible after special adaptation of the work, working hours, alteration of technical appliances, rehabilitation or the like.”

The obligation to make adaptations or to find other suitable work within the undertaking applies whether the need for adaptation etc is work related or not. When considering what adaptations etc. are to be deemed as ”possible” in each individual case the employee’s need for adaptations, length of service etc must be weighed against the size of the undertaking, the economic resources etc. The Norwegian Supreme Court has ruled that the employer’s

obligation to search for other suitable work within the undertaking, does not imply an obligation to change the working conditions of other employees if their job contracts do not entitle the employer to do so (Retstidende 1995 s. 227). Furthermore the employer is not obliged to set up a new position for the employee, but if a suitable position is or becomes available it must, as a rule, be offered to the employee in question.

In April 2003 the following amendment to Section 13 was adopted by the Parliament (Stortinget):

“Unless regarded as evidently unnecessary, the employer shall in cooperation with the employee prepare a follow-up plan for return to work following an accident, sickness, strain or the like. Work on the follow-up plan shall commence as soon as possible or, at the latest, when the employee has been wholly or partly absent from work for a period of eight weeks. The follow-up plan shall contain a review of the employee’s responsibilities and capacity for work. The plan shall also contain appropriate measures by the employer, appropriate measures involving the assistance of the authorities and plans for further follow-up.” At the same time the WEA Section 16 no 1 para. 6 was altered as the employee was obligated to cooperate on preparation and implementation of such follow-up plans.

The obligation to prepare follow-up plans is meant to act as a stimulus that promotes adaptation of work etc. and cooperation between the employer and the employee at an early stage and thus prevent people from having to leave working life due to health problems (White Paper to the Odelsting no 18 (2002-2003)).

By the same act of 30 April 2003 it was specified that the obligation to make adaptations in the working conditions also comprises alterations concerning working hours. Furthermore the term “vocationally disabled” was exchanged with the term “person with reduced capacity for work”, note question A no 1 above.

The amendments mentioned above are one of several initiatives aiming at creating a more inclusive labour market.

Section 54 F in relation to Section 13 para. 2

Section 54F is also relevant as a means to ensure the retention of persons with disabilities in employment. Section 13 para. 2 and Section 54 F are partially overlapping as people with a permanently reduced capacity for work will be protected by both provisions. However Section 54 F also protects job applicants and imposes an obligation on the employer to implement measures so that disabled persons can “perform and have progress in the work and have access to training and other forms of competence development”.

Protection against dismissal on the grounds of disability

The prohibition against discrimination also includes discrimination concerning termination of employment, cf. Section 54 A litra d.

The WEA Section 64 states that an employee who is absent from work owing to accident or illness may not be dismissed for that reason during the first 6 months after becoming unable to work. If the employee has been employed by the undertaking for five consecutive years or more or if the employee is unable to work owing to injury or illness incurred in the service of the employer, he may not be dismissed on the grounds of such absence during the first 12 months after becoming unable to work. In the new Working Environment Act which entered into force 1 January 2006 the period of protection is 12 months for all employees.

Section 60 of the WEA protects all workers, also persons with disabilities, against unfair dismissals. According to this provision, employees may not be dismissed unless this is objectively justified on the basis of matters connected with the establishment, the employer or the employee. A dismissal of a person which is solely based on his or her disability is unfair and thus invalid. A dismissal of a disabled person because the person is not able to perform the work that he or she was engaged to do, is unfair if it is possible to adapt the working conditions or to find other suitable work so that the employee can continue working at the undertaking, cf. Section 13 para. 2 as described above.

Question C

VTA (Employment Co-operatives) replace the former ASVOs and some other, similar institutions. The purpose of VTA is to establish permanent work places for people with severe disabilities who are unlikely to access to the open labour market. People employed within VTA will continue to receive disability pension. In addition to the disability pension some of the co-operatives choose to pay the disabled workers a limited salary. If the salary exceeds the basic amount of the National Insurance Scheme, the disability pension will be graded. (B.a. per 1. January 2006 is NOK 60 699).

For information on the number of persons with disabilities employed in sheltered facilities see para 1 question b.

At the end of 2005 about 8 912 persons participated at Permanently adapted work in employment co-operatives. (7 433 at VTA-tiltak and 1 479 at AMB, Permanently adapted work).

Table 12

Stock vocational disabled participation at VTA. Average in fixed numbers

Measures	2000	2001	2002	2003	2004	2005
AMB, VTA	1 790	1 731	1 552	1 592	1 547	1 502
VTA	6 053	6 117	5 670	6 315	6 761	7 220
Total number	7 843	7 848	7 222	7 907	8 308	8 722

No data is available of the total demand of the employment opportunities in these facilities.

The participants under these schemes are among other trained for production related to running restaurants/cafes, mechanic production, wood production and textile production.

The Committee is going at length to describe the system of bringing occupationally disabled back to working life. Jobseekers of occupational rehabilitation (occupationally disabled) are a user group within Aetat. Efforts to promote reactivation of people with disabilities are targeted towards persons on disability pensions. Aetat’s efforts are mainly concerned with ensuring that “occupationally disabled” (who constitute the financial liability of Aetat) are reintegrated into to working life. The joint efforts by Aetat and The Social Security Board to reactivate persons on disability status have carried limited results for the years 2003 and 2004.

Furthermore, reference is made to previous reports and to statistics included in the annual reports from Aetat (enclosed).

The Committee asks why participation of people with disabilities fell from 49.5 % the second quarter of 2002 to 46.4 % the second quarter of the year 2003. The Committee would like to receive the Governments comments on this development in the next report.

According to Statistics Norway the labour market participation rates of peoples with disabilities fell from 46.6 % to 42.5 % in the second quarter of 2002 to the second quarter of 2003. Then it rises to 46.3 % the second quarter of 2004 and fell to 44.3 % again the second quarter of 2005. According to Statistics Norway the labour market participation at this period can be interpreted as stable. The variation isn't significant and falls within the era for what can be caused by statistic bias or special factors about the population.

The Committee is referring to the system of Labour Market Companies that was still valid in 2003 and 2004. The Directorate of Labour would just like to point out that there is no automatic transfer of jobseekers of occupational rehabilitation from phase 1 into phase 2 and from phase 2 into phase 3.

The APS programme is supposed to last up to 10 months and may in certain cases be extended to 20 months.

The Committee is referring to “the so-called ASVO programme.” The valid term and system is now called VTA – Permanently Adjusted Employment. The bonus that may be granted may total up to 50 % of G (benefit calculation factor) that equals appr. 30,000 NOK provided that it is affordable by the company.

Aetat has close cooperation with interest organisations which organize companies and service providers for jobseekers of occupational rehabilitation. Under the partnership initiative “Inkluderende Arbeidsliv” employers are obliged to take steps to prevent long term sick leave and to encourage the hiring of “marginal” groups into ordinary working life and to promote conditions to enable these groups to remain employed. Norwegian legislation is very strict on any acts of discrimination and the partnership initiative “Inkluderende Arbeidsliv” has proven considerable results since its launch in 2001.

Article 15 para. 3

Reference is made to previous reports.

Non-discrimination

In its comments to Norway's 2nd report the ECSR states that

“Article 15§3 requires the existence of comprehensive non-discrimination legislation covering both the public and the private sphere in fields such a housing, transport, telecommunications and cultural and leisure activities and effective remedies for those who have been unlawfully treated. The Committee wishes to receive information on the existence and scope of such legislation in the next report.”

A proposal for an Act on Prohibition against Discrimination on the basis of Disability (Discrimination an Accessibility act) was presented in May 2005 by a committee appointed by the government. The proposed act has been circulated for comments to all affected bodies. The Government will submit its proposal to Parliament next year.

Main features of the proposed Act are:

Prohibition against discrimination

Direct and indirect discrimination on the basis of disability is prohibited.

Different treatment that is necessary in order to achieve a legitimate aim and which does not involve disproportionate intervention in relation to the person or persons so treated is not regarded as discrimination.

Obligation regarding general accommodation (universal design)

Public undertakings shall make active and targeted efforts to promote universal design within the undertaking. The same applies to private undertakings that offer goods and services to the general public.

By universal design is meant design or accommodation of the main solution as regards the physical conditions so that the normal function of the undertaking can be used by as many people as possible.

Public undertakings and private undertakings that offer goods and services to the general public are obliged to ensure that universal design is applied to the normal functions of the undertaking provided this does not entail an undue burden for the undertaking.

Breach of the obligation to ensure the application of universal design pursuant to the third paragraph is regarded as discrimination if a person with a disability is adversely affected by the inadequate accommodation.

Obligation regarding individual accommodation

Employers are obliged within reason to individually accommodate workplaces and tasks in order to ensure that employees or job applicants with a disability are able to take up or continue employment, have access to training and other forms of competence development as well as perform work and have a potential for progress in their work equal with other people.

The obligation regarding individual accommodation also covers schools and educational institutions, day care facilities for children, and day centres and other facilities for persons with disabilities.

Breaches of this obligation shall be regarded as discrimination.

Obligation to implement universal design to buildings and constructions, etc.

Buildings, constructions and developed outdoor areas intended for the use of the general public that are erected or completed following major alterations (general renovation) after 1 January 2009 shall be subject to universal design.

Other buildings, constructions and developed outdoor areas intended for the use of the general public shall be subject to universal design from 1 January 2019.

The planning and building authorities may grant exemptions from the obligation where there are conservation considerations or other particularly weighty grounds.

Cultural activities:

Access to buildings

The Ministry of Culture and Church Affairs offers subsidies to construction of buildings for cultural activities. As a part of the application procedure, applicants are requested to provide plans regarding accessibility for users with disabilities. The Ministry examines the plans as a part of the overall examination of the application when deciding whether to grant the subsidy.

Companion programme

All state funded cultural institutions are instructed to take part in the companion programme. This means that persons with disabilities holding a companion pass may bring one companion for free to numerous cultural institutions such as theatres, museums and concert halls.

Access to exhibitions and activities within the archives, library and museum sector

Through several projects, both exhibitions and activities within archives, libraries and museums have been made accessible to persons with disabilities. Universal design is a major strategy for this sector, and services and activities should be inclusive and open for all. In addition, some institutions have developed targeted exhibitions approaching groups with special needs in new ways.

One of the main projects in the library sector has been a best practice project called *The Accessible Library*. The objective of the project was to give library users with a disability the same access to the library services as other users. The project aimed at removing disabling barriers in the physical surroundings and increasing access to electronic services in the libraries.

As one of the first archives in Norway, The City Archives of Bergen made a special exhibition of archival material, accessible to blind and visually impaired. Through universal design, their new premises are made accessible to people with disabilities, and they also offer equipment and services to make archival material accessible to all. Museums like The Norwegian Floating Museum and the Bryggens Museum in Bergen have modelled both buildings, outdoor areas and exhibitions in a way that welcomes all, including people with disabilities. The exhibition *This was written by a blind man* at the Bryggens Museum received an accessibility award, using tactile inscriptions on medieval rune sticks as an approach to giving the exhibition a dimension that enriched the experience to all.

Promotion, organisation and funding of activities and services to persons with disabilities have been supported by the Norwegian archive, library and museum authority, as well as by the Ministry of Environmental Affairs. A major contribution to promoting access for all in the *alm*-sector has been the establishment of a national network of archives, libraries and museums in the field of universal design and accessibility for all. The aim of the network is to promote awareness regarding these issues.

Norway has one public library for the blind and the visually impaired. The library is located in Oslo, but supplies services country-wide. Its function is to provide library services to the blind, the partially sighted, the visually impaired and others with reading disabilities. Other user categories include persons who cannot hold a book or turn pages due to a physical disability and persons with illnesses that prevent them from reading standard prints. The services are intended for children, adults and senior citizens. Hospitals, libraries, nursing homes, day care facilities, schools and other agencies serving individuals who qualify may also apply for Braille and talking book services. All services are free of charge.

Theatre in sign language

Norway has one sign language theatre called “Teater Manu”. The theatre is based in Oslo, but tours to other parts of Norway as well. All performances are interpreted to spoken language, and are therefore also accessible for spectators who do not understand sign language.

Norwegian authorities also ensure a special scheme for interpretation into sign language of performances in the ordinary theatres.

Sporting activities:

“Sport and physical activity for all” is the primary purpose of the Norwegian sports policy. The Ministry of Culture and Church Affairs takes specific measures to ensure that persons with disabilities have the opportunity to participate in sporting activities.

In order to receive financial support from the Ministry when building sports facilities, the facilities have to be accessible to persons with disabilities.

Through the funding of the Norwegian Olympic Committee and Confederation of Sports (NOC), the Ministry supports NOC in their effort to integrate persons with disabilities. The sports federations are gradually taking over the responsibility for ensuring that the disabled may participate actively in Norwegian sports.

Furthermore, the Ministry of Culture and Church Affairs gives an annual grant to sports activities specifically directed towards the disabled. In 2005 the Ministry allocated NOK 2 million to this purpose, and the recipients of the grant are both non governmental organisations and municipalities. The purpose of this funding is to give persons with disabilities the opportunity to participate in sport and physical activity in their local environment.

Communications:

General comments

Accessible electronic communication service is an important topic for the Ministry of Transport and Communications. The technological developments are fast, for instance regarding broadband and IP-telephony, and digital divides must be avoided. This is also underlined in the governmental action plan “eNorge 2009” from June 2005. It is specifically mentioned that public electronic communication services shall be accessible according to the international standards for web sites (WAI). It can also be informed that from 2 March it is arranged for synthetic language on the Ministry’s web sites. This means that the users can choose a specific function to have the text read out loud.

The Ministry participates in the work in the EU regarding inclusive communications and eAccessibility, for instance through the INCOM (Inclusive Communications) subgroup, and the Ministry will follow-up this through the ongoing review of the electronic communications regulatory framework.

Legislation

The electronic communications act of July 2003 (The Ecom Act) includes a general authorization which implies that requirements concerning services for disabled people (and others with special needs) are to be laid down in regulations. Detailed requirements are specified in secondary legislation and in the agreement signed 1 September 2004 by the government and the SMP-operator (Telenor ASA). The services include inter alia access to public pay phones, discount or refund for blind and weak sighted people regarding directory enquiry services, and access to text-telephony for speech impaired people and people with hearing damage.

Regarding public pay phones, these should be accessible to disabled users, including visually impaired users, deaf users and wheel-chair users. The public pay phones have an emphasized key 5, for visually impaired users and the receiver has an induction loop, for deaf users. Figures from Telenor show that 68% of the public pay phones located outdoors are accessible for wheel-chair users. Telenor has also started a project regarding a new type of public pay phones accessible for wheel-chaired users, where the phone booths are financed by advertisements. The design is developed in cooperation with the user groups, and makes it possible to drive a wheel-chair into the booth.

Regarding directory enquiry services, these are accessible on the Internet and on SMS.

Regarding access to text-telephony, this also includes discount or refund of the use of these services. If the users prefer to use “video-telephony”, the same possibilities of discount or refund exist. A special emergency number for text-telephony is also available.

Telenor, as the USO-provider, is obliged to continue the established level of research and development activity on the needs of the disabled, elderly, and other users for the special adaptation of electronic communications services. Every year Telenor will inform the Norwegian NRA on status and relevant projects in this area. There are two ongoing projects regarding mobile 3G services. One project is the “Eye-Telephone”, regarding mobile 3G services for blind people. The other project deals with distant interpretation on mobile phones for deaf persons.

Digital switchover

An important topic in the area of electronic communications and persons with disabilities is the digital switchover in Norway. On June 30 2005 the Ministry of Transport and Communications and the Ministry of Culture renewed the invitation to tender for a licence to operate and build a digital and terrestrial television network in Norway. In the invitation to tender accessibility is explicitly mentioned as a selection criterion. In addition, applicants were requested to inform whether they will provide accessibility, as well as cover the needs of disabled persons and groups with special needs. The policy aim is that Digital TV shall be accessible to all.

On 30 September 2005 the Ministry of Transport and Communications and the Ministry of Culture received one application for the licence to operate and build a digital terrestrial television network in Norway. The applicant is Norges televisjon as (NTV). The company is owned by NRK, TV2 and Telenor Broadcast Holding AS. In the application NTV underlines the use of open standards and specifications and digital value-added for consumers (for instance information services). NTV ensures that the digital switchover will be smooth and is planning to establish a customer support service that will help the consumers with the transition to new technology. The Ministries are now considering the application. As regards sign language, the licence funded Public Service Broadcaster NRK, is considering providing their digital sign-language channel in a future digital terrestrial net.

Consultation with user groups

Regarding consultation with user groups, a forum - TeleFunkForum – has been set up. TeleFunkForum is a forum for exchange of information so that people with disabilities and elderly can achieve access to telecommunication equipment and services like other people in the society. Universal Design of the equipment and the services is an important perspective of the work of the forum. Participants are user organizations, ministries, the Norwegian Post and

Telecommunication Authority, state councils, R&D, operators in the telecommunication sector, standardization bodies, and others”.

Mobility and transport:

The Norwegian Government presented the National Transport Plan (NTP) for the Parliament in March 2004. This plan presents the Governments transport policy for the period 2006 – 2015, and is a strategic document for the development of the transport system including road, railway, aviation and sea-transport. Increased accessibility to public transport and Universal design is one of the fields focused in the plan.

The transport plan includes a new accessibility programme (the BRA – programme), concerning public transport, which outlines the Governments political priorities in this area and specific actions within the various sectors of transport. The programme is to be implemented during the period 2006 – 2009, and includes improved transport infrastructure, rolling stocks, buses and logistics. The aim is to make the total transport chain accessible to all, with special focus on disabled persons.

Action plan for the BRA – programme

A working group with representatives from the Ministry of Transport and Communications, the Norwegian National Rail Administration, the National Road administration, the Norwegian state owned company for developing and running airports, Avinor AS and the Norwegian State Railways has drawn up an action plan for the BRA – programme. The action plan was concluded in December 2005, and is a part of the Governments general action plan for increased accessibility for persons with disabilities. Measures include upgrading larger terminals and junctions that will increase accessibility to infrastructure, and requirements regarding accessibility in the granting of transport licences and in public purchase of passenger transport services. The plan focuses on the principles of universal design throughout the total travel chain, from the start of the journey till it ends.

ARTICLE 21

Questions A - D

Reference is made to the previous reports.

Personal scope

To the request from the Committee on personal scope related to the rights to be informed and consulted based on collective agreements, we may add the following:

There are several basic agreements in the private sector, quite similar to the one agreed upon by NHO and LO. We estimate that the workforce covered by any collective pay agreements more or less have comparable provisions with the LO-NHO Basic Agreement.

In a proposal from an expert group for a new labour legislation (NOU 2004: 5 Arbeidslivslovutvalget, page 130) the assessments are based on the fact that about 53 percent of the workforce are formally covered by collective pay agreements in private sector in Norway (numbers from 2000/2001). In addition, according to case-law and agreement practice the enterprises bound by a collective pay agreement are obliged to apply the agreement on unorganized employees in the enterprise comprised by the scope of this agreement. The assessments regarding public sector are based on the fact that 100 percent of

the employees are covered by collective agreements. Totally about 70 percent of the employees are formally covered by collective agreements.

Still, quite a lot of employees in private sector did not have these rights to information and consultation in the reference period. Please note that 1 January 2006 came into force the new Act relating to working environment, working hours and employment protection, etc. (the new Working Environment Act), which is replacing the WEA. This new act has provisions quite similar to the LO-NHO Basic Agreement on information and consultation.

However, in the reference period there are provisions in Section 73 E of the WEA stating that the employees are entitled to information and consultation in the event of transfer of undertakings. The previous and the new employer are obliged to discuss transfer with the elected representatives as early as possible. Particular information shall be given concerning the reason for the transfer, the legal, economic and social implications of the transfer for the employees, measures planned in relation to the employees and the agreed or proposed date for the transfer. In enterprises where there are no elected representatives, information shall be given to the affected employees as early as possible. If the previous or new owner is planning measures in relation to their respective employees, they shall consult with the elected representatives as early as possible with a view to reaching an agreement.

Pursuant to Section 56A of the WEA the employees are entitled to information and consultations in the event of collective redundancies. An employer contemplating collective redundancies shall at the earliest opportunity enter into consultations with the employees' elected representatives with a view to reaching an agreement to avoid collective redundancies or to reduce the number of persons being redundant. The consultations shall cover possible social welfare measures aimed, inter alia, at providing support for redeploying or retraining workers made redundant. Employers shall be obliged to give the employees' elected representatives all relevant information; the most important are listed in Section 56 A.

In addition there are provisions in the WEA concerning the employees' individual rights to discussions. One important example is that before making a decision regarding dismissal with notice, the employer shall, to the extent that is practically possible, discuss the matter with the employee and his elected representatives, unless the employee himself does not desire this, cf. Section 57 Subsection 1 of the WEA.

We may also add that in 2005 were 18.210 persons employed by shipping companies registered with the NIS. 3.095 of the employees were Norwegians and the rest were foreigners. We assume that the numbers were about the same in 2003/2004. The numbers are provided by the Norwegian Shipowners' Association.

Legal remedies

Reference is made to the previous report. We would like to add that in general breaches of any collective agreement may be taken to the Labour Court, pursuant to Sections 6 and 7 in the Labour Disputes Act.

Article 22

Question A

In maritime sector the workers are entitled to information and consultation through several mechanisms.

Working conditions and working environment.

Through the bargaining of collective agreements seafarers are given the opportunity to take part in the determination of their working conditions. The workers are represented by their unions in collective bargainings. Norwegian seafarers are represented by their unions in Norway. Foreign seafarers serving on NIS ships are represented by unions in their country of residence. In addition Norwegian unions are entitled to take part in the bargaining of collective agreements with foreign unions.

Safety and health of seafarers is governed through Regulation of 1 January 2005 No. 08 concerning the working environment, safety and health of workers on board ship. The regulation covers both the safety of the seafarer when in work and all matters related to off-duty time on board.

Workers and/or their protection supervisor shall be consulted and have the right to make proposals in connection with any issue which may affect their health or safety.

On board ships with more than 7 crewmembers a protection supervisor shall be elected by and from among those who are employed on board in connection with the ordinary operation of the vessel. The protection supervisor shall safeguard the interests of workers in matters relating to the working environment on board. The protection supervisor shall ensure that work on board is carried out in such a way that due consideration is given to the safety and health of the workers, and if necessary make proposals for new protection measures.

It shall be ensured that workers are given and have understood the necessary information about safety and health hazards. Workers shall be informed of all measures taken to improve safety and health on board.

The protection supervisor shall, if possible, participate at supervisory visits and other inspections or surveys, including internal control and audits relating to the environment on board. The shipmaster shall notify the protection supervisor of such visits and make the necessary arrangements for the protection supervisor to participate. The protection supervisor shall personally decide whether it is possible to participate. If participation at such visits is not possible, the protection supervisor shall inform the shipmaster of the reason.

On ships required to have a protection supervisor a protection and environment committee shall be established. The protection and environment committee shall work to ensure safe and proper conditions on board with regard to health, and shall for this purpose in particular concern itself with:

- a) matters relating to internal accident prevention and the health and welfare of workers,
- b) matters relating to training, instruction and information of importance to prevent occupational and health injuries during work and off-duty time,
- c) identification of workplaces and working conditions presenting a risk of accidents and health injuries, including an examination of the risk assessments to determine whether this assessment is adequate to reveal the hazards to which workers are exposed,
- d) seek to reveal causes of disease and death which may be associated with the environment on board, and discuss proposals for preventive measures,
- e) active efforts to make sure protection work is incorporated into the planning of work,

- f) ensuring that newly employed workers are given appropriate guidance and training relating to protection and special risks to which the person in question may be exposed,
- g) discussing matters of importance to the well-being of those on board, social relations, leisure activities etc.

The protection and environment committee shall examine new and modified procedures and job descriptions of importance to the safety and health of workers, and make proposals for improvements where this is considered necessary.

The committee shall review all reports of health injuries, occupational accidents and near-accidents, and ensure that measures are taken to prevent repetition. The committee shall also review supervisory reports.

Question B

With reference to our answer under Question A we consider all areas duly covered.

Question C, D and E

Reference is made to previous reports

Question F

Reference is made to previous reports

With regard to the Committee's observations, we would like to add the following:

According to the WEA, there are no differences as regards the right of worker participation for workers in the civil service, workers in undertakings managed by public authorities and private undertakings. The main provisions, which are found in Chapter VII of the WEA, thus cover all sectors.

The Working Environment Committee shall work to establish a fully satisfactory working environment in the establishment. The Committee shall participate in planning safety and environmental work and shall follow up developments closely in questions relating to the safety, health and welfare of the employees. For further details, see Section 24 of the WEA. The committee consists of representatives from the employer, employees and safety and health personnel see Section 23 of the WEA.

Safety representatives shall safeguard the interests of employees in matters relating to the working environment. For further details, see Section 25 to 28 of the WEA.

Regarding questions ii) and iii) from the Committee of experts, we refer to our report on article 21.

ARTICLE 24

Questions A - D

Reference is made to the previous reports.

To help it to assess the extent to which reasons regarded in practice by employers as justifying the termination of employment constitute valid reasons under Article 24 of the Revised

Charter, the Committee requests that the government states how the Norwegian courts have interpreted Section 60 Subsections 1 and 2 of the WEA, with reference to leading decisions and judgements. We would like to refer to an appendix addressing this subject, which is enclosed this report.

ARTICLE 28

Questions A – C

Reference is made to the previous reports.