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EUROPEAN SOCIAL CHARTER

15th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF NORWAY

Article 2, 4, 5, 6, 21, 22 and 28

for the period 01/01/2013 - 31/12/2016

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CYCLE 2018

NORWAY'S 15TH NATIONAL REPORT 2017 RELATING TO THE APPLICATION OF THE EUROPEAN SOCIAL CHARTER

The report includes replies to the conclusions of non-conformity as well as replies to the questions raised and information about changes since the last report on Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29

Article 2 Right to just conditions of work

Article 2, Section1 - Reasonable working hours

General legal framework
We refer to the description of current legislation provided in the previous report.

During the reference period there has been amended some new regulation concerning working hours. The new regulations are included in the attached English version of the Working Environment Act chapter 10.

The changes was made to increase the flexibility in establishing work schedules and enter into agreements between workers organizations and employers at the local level. The new provisions entered into effect on July 1st 2015. There has not yet been concluded any studies to determine the effects of the changes. The government will inform the committee that there is being conducted a study on the use of flexible working hours arrangements and the use of over time, This study will be completed in April of 2018, and will be made available to the committee in the next report.

An individual employee can now enter into an individual agreement with the employer that includes working days up to 10 hours. The old limit was 9 hours. Correspondingly may the total working hours in one week, including over time not be more than 50 hours, whereas it used to be 48. However the changes does only concern the daily and weekly limits. The overall average, and therefore the maximum working hours in total must still be within the same limit of 40 hours on average per week over a total of 52 weeks.

The changes in the working environment act included a special protection of temporary workers. Workers who are engaged in a temporary position that is a substitute for a worker on a limited leave, or workers hired to do a certain job can enter into agreements on the same basis as other employees. All other temporary workers cannot make individual agreements that includes longer working periods than 9 hours per day, or 40 hours per week. Temporary workers are excluded from longer working hours if an agreement is not made with the workers representatives or a workers union.

Pursuant to agreement between the employer and the employee representative, the 9-hour working hours rule can be expanded to 12.5 hours, in return for equivalent time off at a later date. Under the old provision the maximum working hour during a 24 hour period was 10 hours. The weekly working hours can never be more than 69 hours in total, including over time. As for the individual agreements these collective agreements must cannot extend the total working time over a 52 week period, but must also be kept within the limitation of 40 hours per week on average. Under the old provision such agreements had to be entered into with an union at a national level, with more than 10 000 members.

The new provision makes it possible for the local representatives or unions to work together with the employers to find the best working time arrangements for the local work place. The need for this change was especially obvious in the public health sector. In many public health care institutions the employees and the employer agreed on the need for longer working hours both to make the scheduling as effective as possible as well as to make it easier for employees to concentrate their working periods to ensure longer periods of time off and rest. The longer shifts was especially sought after during weekends. The possibility of longer working hours during the weekends will make it possible for employees to work fewer weekends during a year, and it will

also probably make it easier for the employers to increase the use of full time employees instead of part time workers.

New Ship Labour Act

On June 21st 2013 the Norwegian Parliament passed law No. 102 relating to employment protection, etc. for employees on board ships (Ship Labour Act). The acts has been amended in 2017. An English translation of the act is enclosed this report.

This legislation must be viewed together with the Ship Safety Act that regulates some aspects of working conditions for employees on board a ship, especially working time.

A closer description of the regulations is given under the corresponding articles of the charter in this report.

Regarding reasonable working hours the government informs that the Ship Safety Act § 23 and 24 regulates working time and rest periods for ship workers.

The normal working hours is limited to 8 hours per day. The working hours can be increased, but must not exceed 56 hours on average per week over a 12 week period.

The commander of a ship can however according to the provision § 4 and 5 increase the working hours beyond this if it is necessary to ensure the safety of the ship, personnel or cargo. The same is the case if the ship participate in the aid of another ship in distress. If one of the mentioned situations occur the employees must be granted compensatory rest as soon as the emergency is over.

Conclusion of non-conformity

The Committee points out that the situation in Norway does not conform with Article 2, Section 1 of the Social Charter, based on the fact that daily working hours of up to 16 hours may be permitted in certain situations.

The authorities refer to information regarding this matter previously provided in Norway's 11th report and in the Governmental Committee.

The authorities would point out that the limit of 16 hours of work during a 24-hour period is a safeguard clause that is intended to be an absolute limit for continuous working hours, even in cases where an exception has been granted from other provisions regarding working hours.

The main rule in the Working Environment Act is a limit of 9 hours of regular work during the course of 24 hours. Pursuant to agreement between the employer and the employee representative, the 9-hour working hours rule can be expanded to 12.5 hours, in return for equivalent time off at a later date.

In cases where there is a special, time-limited need, the employee can be ordered to work overtime in addition to the regular working hours. Overtime, along with ordinary working hours, shall total no more than 13 hours during the course of a 24-hour period. In enterprises that are subject to collective wage agreements, the employer and the employee representative can enter into an agreement to increase the total working hours, but not beyond 16 hours.

A continuous work period of more than 13 hours must be followed by compensatory rest

periods. This means that employees who work up to 16 consecutive hours must also be guaranteed rest to compensate for the rest that was not taken, in addition to the ordinary daily rest. For example, therefore, no one can work 16 hours on two consecutive days.

Correspondingly, the statute contains a minimum limit of 11 hours' rest during the course of 24 hours. The statute allows for reducing the rest period to 8 hours, if an agreement to this effect is made between the employer and the employee representative. Such a reduced rest period also entails a requirement that the employee must be guaranteed compensatory rest in the next rest period.

The authorities also note that a work period of 16 hours and a rest period of 8 hours within 24 hours is also in line with the EU's Working Time Directive.

An official commission tasked with reviewing all working time regulations submitted its report to the government in January 2016 (NOU 2016:1 Arbeidstidsutvalget <*Working time Commission*>). Among other things, the report shows that the total working time for wage-earners averages 34 hours per week. Only 5% work more than 45 hours per week. No statistics are available that show daily working hours, but the figures for weekly working hours show that few employees have very long working hours.

The Committee did not propose changes to the current framework for daily and weekly working time. The report was submitted for normal consultation. No input was received in the consultation process calling for a change in the framework for working time, neither from employee organisations, industry organisations or specialist groups within occupational health.

The authorities have initiated research to map use of flexible working hours and overtime among employees. It is possible that the result of this research could provide an answer to the question of how many people use the opportunity to work more than 13 hours during the course of a 24-hour period. This research will be concluded in 2018. The authorities will ensure that the result of this research is made available to the Committee in connection with upcoming reports.

In summary, the authorities would point out that continuous work for a total of 16 hours can only occur in situations where an employee representative has entered into an agreement to this effect with the employer, and where there are special circumstances in place that make such extraordinary work necessary; work that cannot be performed by others, or postponed. In addition, compensatory rest must be safeguarded immediately after the expanded work period.

Article 2, Section 2 – Public holidays with pay

General legal framework
Reference is made to previous reports. There has been no significant amendments made in the rules regulating public holidays.

New Ship Labour Act
The ship labour act ensures that the workers must be payed from the day noted in the contract, or at the latest the day the employee enters into the service. The question of pay for public holidays on which the employee does not work is regulated in the collective agreements and left to the social partners.

Question 1
The Committee comments that Norwegian employees receive pay even though they do not work on 1 May and 17 May. A question is raised as to whether this also applies for other public holidays.

It follows from Section 10-10 of the Working Environment Act that Sundays and public holidays shall be days off work. Sundays and public holidays means all Sundays, all religious holidays that follow from the *Act relating to holidays and observance of holidays* and the *Act relating to 1 May and 17 May as public holidays*. This includes, for example, days off in connection with Christmas and Easter. In total, there are 10 public holidays, some of which may fall on an ordinary working day during the course of a year.

The most common type of employment in Norway is permanent employment. In these cases, employees will have fixed weekly working hours, and will receive a fixed monthly salary. As a point of departure, employees will be entitled to time off on public holidays, without any deduction in pay.

Employees who work shifts or rotations in their position may be required to work on Sundays and holidays.

Question 2
The Committee also requests a more detailed description regarding payment for work on holidays.

Section 3 of the *Act relating to 1 May and 17 May as public holidays* governs employees' right to pay on 1 and 17 May. Unless an agreement has been signed regarding other compensation, employees are entitled to a supplement of at least 50% of their wages for an ordinary day for work performed on 1 and 17 May. This means that total pay will correspond to 150% of normal daily wages.

Employees' right to pay for other public holidays is not governed by statute, but follows from agreements with the individual employee or collective wage agreements. Most collective wage agreements contain provisions entailing that wages must be paid for work on public holidays.

The agreements for employees in the public sector entitle employees to time off with pay on these days. The same applies e.g. to employees in the retail sector. These collective wage

agreements give employees who are to work on such days the right to a supplement of 100% of ordinary wages (i.e. a total of 200% payment for time worked), or the same supplement as for work on Sundays. This is also common practice in employment relationships that are not covered by a wage agreement.

Article 2, Section 5 – Weekly rest period

General legal framework
Reference is made to previous reports. There has been no significant amendments made in the rules regulating weekly rest period. The Working Environment Act § 10-8 regulates the weekly rest period. This provision has not been changed during the reference period.

Questions from The Committee
The Committee wishes to clarify whether there are situations where employees, either pursuant to statute or collective agreements, work more than 12 successive days before they are entitled to a rest period.

According to Section 10-8 (3) of the Working Environment Act, employees are entitled to 35 hours of consecutive time off during the course of seven days. Each seven-day period must be considered separately. If the weekly rest is scheduled at the beginning of one week, and then scheduled at the end of the following week, this could mean that more than 11 days pass between two weekly rest periods. The requirement that there must be 35 hours of time off work within each individual 7-day period means that there will not be more than 12 days between two time-off periods.

One example that can shed light on the situation is based on the premise that an employee shall work as many consecutive days as possible in a period of two weeks. The week starts at midnight between Sunday and Monday. Because the rest period must be 35 hours within the period of 7 days, the employee cannot start work until 11:00 hours on Tuesday, at the earliest. After this, with a normal work rhythm, the employee can work the remaining 6 days of the week. If the next week starts with normal working days, the employee can work 5 normal days, but must stop work at 13:00 hours on the second to last day of the week (Saturday). Then there will be 35 hours left of the week, which constitutes the weekly time-off period for this week. It is thus not possible to work 12 whole working days between two time-off periods. The requirements as regards daily working hours and daily time-off periods must be observed.

The weekly rest period can be reduced to 28 hours, pursuant to agreement between the employer and the employee representative. This means that it may be possible to work somewhat more between the free periods in certain cases. However, this does not mean that the work period between two rest periods can exceed 12 days. Moreover, the shortened rest period entitles the employee to compensatory rest which must be taken immediately after the work period, and will ensure extended rest. Thus, one cannot have shorter weekly rest periods in two subsequent weeks.

Article 4 Right to a fair remuneration

Article 4, Section 1 – Decent remuneration

General legal framework
Reference is made to previous reports. There has been no significant amendments made in the rules regulating weekly rest period.

Question 1
The Committee points out that, to ensure a fair and decent standard of life, wages cannot be lower than the minimum threshold which is set at 50% of average net wages. Norway complies with this requirement, but the Committee requests net figures for average wage and agreed minimum wage.

Average monthly salary for all employed women and men in different sectors

	Monthly salary	
	2015	**2016**
Total all sectors	42 600	43 300
Men	45 600	46 200
Women	38 900	39 800
Private sector and public companies	43 200	43 800
Men	45 700	46 200
Women	38 300	39 100
Local government administration	38 600	39 500
Men	40 800	41 500
Women	37 900	38 800
Central government administration	45 700	46 500
Men	49 700	50 300
Women	43 000	43 800

Source: Statistics Norway

The following sectors have a minimum wage:

Construction - Minimum wage per hour:
For skilled workers: NOK 197.90
For unskilled workers with no sector experience: NOK 177.80
For unskilled workers with at least one year of sector experience: NOK 185.50
For workers under age 18: NOK 119.30

Cleaning – Minimum wage per hour
Workers who perform cleaning services for private companies engaged in the sale of cleaning services must have a minimum hourly wage of NOK 177.63
Workers under age 18 who perform cleaning services for private companies engaged in the sale of cleaning services must have a minimum hourly wage of NOK 129.59

Accommodation, restaurants and catering
For workers over age 20 and after four months' experience for workers over age 18 NOK 157.18.
For young workers age 16: NOK 102.18 / age 17: NOK 111.68 / age 18: NOK 125.94

Shipping and shipyard industry
For skilled workers: NOK 169.94
For semi-skilled workers: NOK 162.22
For unskilled labourers: NOK 154.59

Agriculture and gardening
Holiday and harvest help:
Employees under age 18: NOK 95.15
Over age 18 – employed for up to 12 weeks: NOK 115.15
Over age 18 – employed between 12-24 weeks (3-6 months): NOK 120.65

Permanent employees:
Unskilled workers: NOK 135.05
Employees under age 18: NOK 104.65
Supplement for skilled workers: NOK 11

Fishery industry companies
Skilled workers and production workers with associated work operations, warehouse workers, transport, security, cleaning and cafeteria, artisans, repair staff, supervisors, inspectors, instructors and refrigeration/freezing technicians must have a minimum wage per hour of:
For skilled workers: NOK 187.20
For production workers: NOK 176.70

Road transport - Minimum wage per hour
Employees who transport freight by road with vehicles weighing more than 3.5 tonnes must have an hourly wage of at least: NOK 167.65

Passenger transport by tour bus
Employees in companies that perform passenger transport with vehicles or buses must have an hourly wage of at least: NOK 154.57

Question 2
The authorities refer to the Committee's question regarding welfare rights and refer to the enclosed overview of the Norwegian social security system.

https://www.regjeringen.no/contentassets/03b0e088c8f44a8793ed0c0781556b11/a-0008-e_the-norwegian-social-insurance-scheme_web-samlet.pdf

In addition to national insurance benefits, low-income employees may qualify to receive financial assistance.

Financial public assistance is temporary income. The objective of the benefit is that the recipient shall be able to support himself as quickly as possible.

In order to qualify to receive financial public assistance, the recipient must have lawful residence in Norway. In order to qualify for full rights, the recipient must have lawful residence and a permanent address. Moreover, the recipient must be unable to support himself through work, own assets or through other financial benefits.
Recipients who reside outside Norway are not entitled to financial public assistance.
The Norwegian Labour and Welfare Administration (NAV) office uses discretion to assess which expenses are necessary to ensure prudent subsistence.

Government recommended rates and guidelines are used to calculate financial public assistance. Some municipalities also have their own recommended rates.

Overview of government recommended rates for financial subsistence support effective from 1 January 2018. The rates are stipulated by the Ministry of Labour and Social Affairs.

Single person	NOK 6 050
Married couple/cohabitants	NOK 10 100
Person in shared housing	NOK 5 050
Child age 0-5	NOK 2 350
Childe age 6-10	NOK 3 050
Child age 11-17	NOK 3 950

The recommended guidelines comprise expenses for basic needs, such as food, clothing, communication, household goods and hygiene, etc. and also take other aspects of daily life into consideration, such as leisure time and social needs. Expenses for other necessary things, such as housing, electricity and heating, homeowners and household insurance, furniture and household effects are included in subsistence, but are not included when setting the recommended guidelines, as these expenses are subject to considerable variation.

Recipients can apply for reimbursement of current expenses for housing, such as rent, local/municipal taxes, fixed expenses in housing cooperatives, joint property, etc. and payment of interest on mortgage loans. Recipients can also apply for reimbursement of current expenses for electricity and heating.

Article 4, Section 3 – Non-discrimination between women and men with respect to remuneration

The Committee concludes that the situation in Norway does not conform with Article 4, Section 3 of the Charter, on the grounds that in equal pay litigation cases, pay comparisons cannot be made with companies other than the company directly concerned.

1. Legal framework

Gender Equality Act of 2013

The Gender Equality Act of 2013 provides the framework for all efforts to promote gender equality in Norway. Its purpose is to promote equality irrespective of gender. It prohibits all discrimination on grounds of gender, but is particularly aimed at strengthening the position of women. It applies in all areas of society. As well as being an important guarantee against discrimination, the Act provides a basis for proactive measures. The Act contains a series of specific obligations that are intended to ensure equal opportunities and equal treatment in employment matters for men and women. The provisions are intended to address both individual and structural discrimination.

Chapter 2 of the Gender Equality Act prohibits direct and indirect discrimination, harassment and instructions to discriminate in all areas of society including employment matters. Section 17 of the Act specifies the scope and content of the provision as it pertains to working life. Among other things, it underlines that discrimination regarding promotion, wages and remuneration is prohibited (literas b and d)).

Section 7 of the Act enables authorities and others to introduce positive measures for one gender for a limited period of time in order to promote gender equality. The provision e.g. enables employers to use certain positive measures to recruit more women for decision-making positions within the enterprise. The use of positive measures is also an important tool to counterbalance the tendency to choose gender stereotypical education and line of work. As explained above, the gender divided labour marked causes gender inequality in pay and career opportunities.

Chapter 3 of the Act requires public authorities and employer and employee organisations to work actively and systematically to promote gender equality. Section 23 requires employers to make active, targeted and systematic efforts to promote gender equality and prevent discrimination in their undertakings. The Act specifies that the activity obligation shall encompass matters such as recruitment, pay and working conditions, promotion, development opportunities and protection against harassment. Section 24 requires employers to report annually on the gender equality status and activities in their enterprises.

Section 21 of the Gender Equality Act states that women and men are entitled to equal pay for work of equal value. Women and men in the same enterprise shall receive equal pay for the same work, or work of equal value. Pay shall be set in the same way for women and men without regard to gender. Whether the work is of equal value shall be determined following an overall assessment in which emphasis is given to the expertise required to perform the work and other relevant factors, such as effort, responsibility and working conditions.

The wage comparison is limited to wage discrepancies in the same enterprise. This means that the equal pay requirement cannot be based on comparisons between employees in different enterprises, even if the enterprises are operated and owned by the same physical or legal entity. In the public sector, the state and each individual municipality are regarded as single enterprises. The reasons for limiting the comparison to wage gaps within the enterprise is that wage gaps between enterprises are often related to non-discriminatory factors, such as geographic location, size, current market situation and the companies' wish to compete on quality of the workforce. Comparing wages between enterprises could make the assessment of wage discrimination complicated and inefficient.

Section 20 of the Gender Equality Act specifies that a worker who is or has been on parental leave is entitled to make pay claims and, in pay negotiations, must be assessed in the same way as other workers.

Section 22 of the Act contains a provision which states that an employee who suspects wage discrimination may require the employer to provide written information about wage levels and about the criteria used to determine wages for comparable employees. This duty promotes greater wage transparency in the workplace, which is important to the effectiveness of the discrimination protection.

Equality and Anti-discrimination Act

In June 2017, the Storting adopted a comprehensive Equality and Anti-discrimination Act, which will enter into force in January 2018. The Equality and Anti-Discrimination Act prohibits discrimination on grounds of gender, pregnancy, maternity/paternity leave in connection with birth or adoption, caring for children or close family members, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression or age, or a combination of the above-mentioned grounds. The Act applies to all areas of society.

The provisions of the Gender Equality Act are largely maintained in the new comprehensive act, with some exceptions. In drafting a comprehensive equality and anti-discrimination act, the Norwegian authorities have recognised the need to clarify some of the legal obligations relevant for promoting equal opportunities and equal treatment in matters of employment and equal pay. Some changes have also been made in the enforcement mechanisms to ensure effective implementation of the Act.

Norway would like to point out the following amendments:

The comprehensive act lists caregiving as an independent basis for discrimination in Section 6. The purpose of the amendment is to emphasize that caregiving is protected by the Act. This is highly relevant in matters relating to employment. As mentioned above, gender differences in both pay and career are particularly linked to the fact that women are primary caregivers, and still take more responsibility for both children and other family members than men.'

According to the current Gender Equality Act, the prohibition against discrimination in working life is strict. This is not apparent from the wording of the Act, but is clearly stated in the preparatory works and is clearly evident in practice. In the new Equality and Anti-Discrimination Act, the wording of Section 10 establishes a stricter prohibition against unequal treatment in employment matters, as compared with other areas of society.

The Equality and Anti-Discrimination Act specifies that unequal treatment related to pregnancy, birth, breastfeeding and leave in connection with the above that is specifically reserved for the mother or father respectively is only permissible if such unequal treatment is necessary to protect the mother, the foetus or the child, or for other obvious reasons. In addition, the unequal treatment should be proportionate. When it comes to hiring or termination of employment, unequal treatment on grounds of pregnancy, birth, breastfeeding or leave is never permitted. The Act clearly states that this also applies to the extension of temporary employment.

A new provision in Section 23 states that pregnant students, applicants and employees have a right to individual accommodation. Employers, schools and educational institutions shall, within reason, provide individual accommodation.

The duty of employers to make active, targeted and systematic efforts to promote gender equality is maintained in Section 26 of the Equality and Anti-Discrimination Act. The new provision specifies that this duty shall encompass possibilities for combining work and family life. Furthermore, employers who generally have more than 50 employees are assigned a more concrete duty, described as a four-step working method. The duty to report under the Gender Equality Act has proven to be inefficient, and is not continued in the comprehensive act. The Storting has asked the Government to draft a proposal for an enhanced provision on employers' duty to work actively and report on progress.

The effect of the above-mentioned amendments has not yet been registered and analysed. The new comprehensive act will enter into force in January 2018.

Enforcement of the Equality and Anti-discrimination legislation

The Norwegian enforcement system is an alternative to the courts of law and consists of two bodies:

The Equality and Anti-discrimination Ombudsman, which handles complaints regarding breaches of the law, gives legal advice and provides information on legal rights and responsibilities – both to individuals, private and public authorities and private and public employers, as well as employer/employee organisations. In addition to upholding the law, providing information and guidance, the Ombudsman acts as a proactive agent for equal opportunities in the labour market and other areas of society by pointing out discriminatory effects of policies and practices.

The Equality and Anti-discrimination Tribunal considers appeals against the statements and decisions made by the Equality and Anti-discrimination Ombudsman. Consideration by the Tribunal is free of charge. The Tribunal only considers cases that have already been processed by the Ombudsman.

The enforcement system is governed by the Anti-Discrimination Ombudsman Act, https://lovdata.no/dokument/NL/lov/2005-06-10-40.

In June 2017, the Storting adopted a new Act, which will enter into force in January 2018.

According to the new Act, the Ombudsman shall only function as a proactive agent for equal opportunities and will no longer handle complaints about breaches of the law. The

Ombudsman's mandate includes providing guidance in questions relating to equal pay and the employer's duty to promote equality at the work place. The LDO gives legal guidance and lectures to both employers, employees and the social partners. The LDO shall also provide guidance to employers about the activity obligation. The handling of complaints shall be transferred to a new enforcement system.

The new enforcement system will consist of just one body - a new Tribunal. Appeals of Tribunal's decisions will be referred to the court system. The Tribunal's authority will be expanded, allowing them to award compensation in discrimination cases within working life, as well as to award compensation in certain other discrimination cases. The Tribunal's decisions are administratively binding, but may be overruled by a court of law.

The Tribunal will enforce the new Equality and Anti-discrimination Act.

2. Measures taken

In Norway, the social partner organisations are responsible for conducting wage negotiations. The authorities act as legislator and facilitator. The State is also an important employer. The authorities facilitate cooperation inter alia by inviting the social partner organisations to participate in meetings in the Contact Committee. The authorities also take part in the Norwegian Technical Calculation Committee for Wage Settlements. This arrangement helps the authorities and the social partners reach a common understanding of the current situation and trends in the Norwegian economy. The Technical Calculation Committee for Wage Settlements prepares documentation on trends in prices and wages, including wage trends for women and men. Agreements on wage increases are established through negotiations between the employee and employer organisations, as well as through local and individual negotiations.

All the social partners are highly aware of the need to even out wage differences between women and men. Efforts to reduce wage differences are pursued through cooperation on documentation and research between the social partner organisations and the authorities, through political dialogue between the authorities and the organisations, and through concrete follow-up in wage settlements between the employee and employer organisations. This issue is discussed in the Council for Working Life and Pensions Policy, where the social partners and the Government regularly meet. Furthermore, a working group on equality in working life has been created, in which relevant ministries and social partner umbrella organisations will follow up this and other issues.

The Government will also contribute to increasing the number of girls who choose science subjects at all levels, and has therefore increased the funding allocated to the *Jenter og teknologi* [Girls and Technology] project by NOK 0.5 million, to a total of NOK 2.5 million in 2017.

CORE – Centre for Research on Gender Equality – was established at the Institute for Social Research in the spring of 2013 with funding from the Ministry of Children and Equality. CORE's mission is to conduct research and stimulate research activity on gender equality issues, with an emphasis on working life. In recent decades, we have seen major changes towards increased gender equality in working life and society in general. Nevertheless, gender segregation in working life and gender differences in pay and career remain significant challenges, as do gender differences in the time and resources invested in family life versus working life. These challenges are the starting point for CORE's research, which focuses on

structural and institutional conditions and the practical significance of such conditions for change and for stability.

3. Statistics
Wage gap between men and women

Statistics and explanations
Norway is among the countries with the least difference in employment between women and men. The difference reached a historic low in 2016, at only 5 per centage points. The proportion of employed men aged 26-66 was 81 per cent in 2016, while the corresponding figure for women was 76 per cent.

Gender equality is worthwhile, not just for the individual, but also for society as a whole. CORE has analysed the effect of women's participation in the labour market on value creation in Norway. The calculations show that increased female employment has had a major impact. As a simple illustration, consider what the present situation would be if there had been no employment growth among women since 1972. Cumulative mainland GDP over the subsequent 40 years would have been NOK 3,300 billion lower than the level actually attained. Moreover, the CORE analysis indicates that if women had worked as much as men throughout the period (1972–2013), cumulative mainland GDP in the period would have been NOK 2,300 billion higher.

In 2016, the average wage for full-time female employees was 87.6 per cent of that for men. If part-time female employees are included, the average wage for women accounted for 86.1 per cent of that for men. Because they are expressed as averages, these figures do not necessarily show the differences between the genders when it comes to equal pay for work of equal value.

CORE has conducted extensive research into the persistent gender pay-gap. In order to follow developments systematically, CORE has created an indicator for gender and pay that measures the hourly wage gap between men and women. The indicator shows that women's hourly pay is 88 per cent of what men earn.

The differences in pay are closely related to gender-segregated structures in the labour market. When adjusted for occupation, industry and sector, length of education and age, women's hourly pay is 93.5 per cent of what men earn. The remaining gap of 6.5 per cent is still unexplained.

CORE has also investigated the effect of having children on hourly pay differences. The indicator also reveals that the pay gap is widest at the top of the salary ladder. While hourly pay for women in low-income professions is 6 per cent lower than that of men in equivalent positions, women at the top of the salary ladder earn 20 per cent less than top-salaried men. The analysis shows that women with children earn less than women without children, while for men, the opposite is the case. Over time, we can see the gap closing between women with and without children, while the difference between fathers and childless men is increasing. Mothers have not moved closer to fathers in terms of hourly pay.
The 2010 time use survey shows that women accounted for 54 per cent of the unpaid work related to household and care work in 2010, while men accounted for 46 per cent. Overall, parents share more household work in 2010 than they did in 1990, regardless of the age of

children. This is largely because fathers now spend more time on household work than they did 20 years ago.

Article 4, Section 4 – Reasonable notice of termination of employment

General legal framework
We refer to the description of current legislation provided in the previous report. During the reference period there has been amended some new regulation concerning the termination of employees on account of age. The new regulations are included in the attached English version of the working environment act section 15-13 litera a.

The new provision provides that employment may be terminated when an employee reaches the age of 72. The old provision allowed the termination of employment form the age of 70. A lower age limit may be decided where necessary out of regard for health or safety.

A lower age limit may be decided if such limit is made known to the employees, if it is practised consistently by the employer and if the employee is entitled to a satisfactory service pension scheme. This lower limit may not be lower than 70 years. The employer shall discuss a lower age limit with the employees' elected representatives.

A lower age limit decided pursuant to the second or third paragraph must be objectively justified and shall not involve disproportionate intervention, cf. section 13- 3, second paragraph.

The Working Environment Act section 15-3 regulates the periods of notice. This provision has not been changed during the reference period.

Question 1
The Committee points out that Section 15-3, subsections 1-3 of the Working Environment Act do not comply with the requirements in Article 4, Section 4 of the Social Charter, as they believe that the notice periods listed in Section 15-3 of the Working Environment Act are too short. The Committee wants an account of the compensation employees receive during the notice period.

If there is a fair dismissal, the employee is entitled to full pay during the notice period. Both the obligation to work and the obligation to pay are maintained from the time when the employee is notified regarding the dismissal and until the expiration of the notice period. The employment relationship continues according to the same terms and conditions throughout the entire notice period.

Question 2
The Committee also requests information regarding notice periods in the Seamen's Act of 1975. This statute was replaced by the Ship Labour Act, which took effect on 1 January 2018. An English translation of the Act is enclosed.

Conclusion of non-conformity
As regards the Committee' conclusion that the notice periods do not comply with the requirements in Article 4, the authorities would refer to earlier reports and comment as follows:

The regulation in this area has been in place, and unchanged for many years. It has also been accepted by the social partners, and it is not an issue on many legal cases.

The notice periods in Section 15-3 of the Working Environment Act must be viewed in context.

It is important that the Committee is aware of the employment protection rights that apply to all employees.

According to Section 15-7 of the Working Environment Act (WEA), employees may not be dismissed unless this is *objectively justified* on the basis of circumstances relating to the enterprise, the employer or the employee. Dismissal due to curtailed operations or rationalisation measures is not objectively justified if the employer has other suitable work in the enterprise to offer the employee. The employer may summarily dismiss an employee if he or she is guilty of a gross breach of duty or other serious breach of the contract of employment, cf. the WEA, Section 15-14.

Employees who believe they have been unfairly dismissed are entitled to dispute the dismissal. Employees can demand negotiations with the employer. Such a demand must be presented within two weeks, in writing. The deadline starts when the written notice of dismissal has reached the employee.
Employers shall ensure that a negotiation meeting is held as soon as possible, and no later than two weeks after the demand is received. Both the employee and the employer are entitled to bring an advisor during negotiations, e.g. an attorney or employee representative. The negotiations must be concluded during the course of two weeks.

If agreement is not reached through negotiations, the employee can file a lawsuit.
Lawsuits must be filed within eight weeks after the negotiations are concluded. If the dismissal was not made in writing, there is no deadline for filing suit. The same applies if the dismissal does not fulfil the formal requirements. In such cases, if a lawsuit is filed within four months, the dismissal shall normally be ruled invalid.

If the employee only demands compensation, and not reinstatement in his/her job, then the deadline for filing suit is six months from when the dismissal took place.
As long as negotiations or legal action continue, the employee can normally continue in his/her position, unless the Court determines otherwise.

In most cases, after the end of the notice period, and the employee has resigned from his/her position, the person is entitled to daily unemployment benefits, after three days. For more information about the daily unemployment benefit system, see Chapter 11 in the enclosed brochure on *The Norwegian Social Insurance Scheme.*

Article 4, Section 5 – Limits to wage deductions

General legal framework
Reference is made to previous reports. The Working Environment Act § 14-15 regulates the conditions for wage deductions. This provision has not been changed during the reference period.

Conclusion of non-conformity
The terms and conditions in Section 14-15 (2) literas a-f of the WEA must be fulfilled in order to carry out deductions in wages and holiday pay. The Committee would like an answer as to the significance of the Regulations of 13 June 2014 No. 724 relating to subsistence rates in connection with attachment of earnings and debt restructuring in relation an employee's right to protection against irregular wage deductions. The Committee is of the opinion that Norway does not have adequate guarantees in the regulations to ensure that employees are protected against irregular wage deductions.

Pursuant to Section 14-15 (3) of the Working Environment Act, wage deductions must be limited to the part of the claim that exceeds the employee's reasonable needs to support himself and his household. The assessment of an employee's "reasonable needs" is considered in a similar manner as the rules in Section 2-7 of the *Act relating to creditors' rights to satisfaction of claims (Satisfaction of Claims Act) of 1984.* This section provides a legal basis for a regulation that can stipulate rates to calculate the reasonable needs to support the debtor and the debtor's household *(Regulations of 13 June 2014 No. 724 relating to subsistence rates in connection with wage attachments and debt restructuring).*

The Regulations that entered into force on 1 June 2014 are intended to ensure a common point of departure in the assessment of how much is reasonably needed to support the debtor and the debtor's household pursuant to Section 2-7 of the Satisfaction of Claims Act, and how much is reasonably needed to support the debtor and persons that he/she has a statutory obligation to support, or that he/she resides with in a marriage-like arrangement, pursuant to Section 4-3 of the Debt Settlement Act. The Regulations must also facilitate a realistic assessment of whether a debtor fulfils the financial requirements of the Act for a debt settlement arrangement pursuant to Section 1-3 (1) of the Debt Settlement Act.

The Regulations contain a number of different rates for support, depending on the provider responsibility for cohabitant/spouse or children. Consideration must also be given to individual circumstances, such as housing expenses.

The authorities would point out that the introduction of the rates that follow from the Regulations is not a matter that is solely up to the discretion of the employer to determine the "amount reasonably needed" for the employee to support himself and his household. This assessment must now be based on the same minimum rates that apply for the public authorities' right to implement enforced collection.

Article 5 – Right to organise

Trade union activities
The Committee requests an updated description of trade union activity in Norway.

At the end of 2016, more than 1.2 million Norwegian employees were members of an employee organisation. This is an increase of 118,000 workers from 2006. During the same period, the number of wage-earners increased by 300,000. This means that the degree of union organisation has declined somewhat – from 50.5 per cent in 2006 to 49 per cent in 2016.

Figures published by the national statistics office Statistics Norway show that there were 1,744,982 trade unionists in Norway at the end of 20131 . This total includes some non-working students, pensioners and others. However, three-quarters of trade union members are employed. The most recent figures from the Labour Force Survey analysed by the research body Fafo, show that in 2013 there were 1,254,011 employees who were trade union members, or 51.7% of all employees.2 This is slightly lower than the estimate in the ICTWSS database of union membership, which put union density at 54.6% in 20113 . This relatively high level of union density has been achieved and maintained (see below), despite that fact that unlike Norway's Nordic neighbours, unemployment benefits are not paid through the unions.

There are four union confederations in Norway, and LO is by far the largest, with members across the economy, although it has fewer members with higher levels of educational qualifications. The unions affiliated to LO have 897,740 members in total and 627,000 in employment. (For LO, as for the other confederations, the total membership figures are from Statistics Norway and the number in employment come from Fafo. Both are for 2013.) The next largest grouping is UNIO with 322,058 members in total and 241,224 in employment. UNIO was founded in December 2001, following the breakup in 1997 of the AF confederation, which brought together unions organising employees with college and university qualifications. UNIO's largest areas of membership are teachers and nurses, although it also has other significant affiliates (see below). The third largest union confederation is YS, which has 221,578 members (157,098 in employment). YS was formed in 1977 as a confederation of unions which had previously been independent and it has members in both the public and private sector. The smallest confederation is the Akademikerne, whose member unions organise professionals with degree-level education. It has 177,948 members (129,689 in employment).

There are also 125,658 members in unions which are not affiliated to any of the confederations, of whom 99,000 are employed. The largest of these non-affiliated unions is NITO. Its 75,057 members (54,682 employed) are mainly graduate engineers, who have completed at least a three-year degree programme.4

These figures mean that LO organises 25.8% of all employees, UNIO 9.9%, YS 6.5%, Akademikerne 5.3% and other union organisations 4.1% (figures from Fafo for 2013).

For more detailed descriptions of the trade unions' role and activities, the authorities refer to a research report prepared by the Fafo research foundation on this topic:

http://www.fafo.no/images/pub/2013/20299.pdf

The authorities would also like to reserve the right to revert with supplementary information, if the Committee so desires.

Article 6 – Right to bargain collectively

Article 6, Section 4 – Collective action

After the last report, legislative intervention has been used on four occasions to conclude a labour dispute. All of the interventions were implemented to safeguard the general public's life and health, or critical community functions. There have been no interventions, for example, in the oil sector, which the Committee highlights in its report. The interventions are described below.

The Act of 21 June 2013, No. 56 (Prop. 163 L (2012-2013)) relating to the wages arbitration board's processing of the labour dispute between the Electrician and IT Workers Union (EL & IT Forbundet) and Atea AS in the spring of 2013. This conflict posed a threat to the preparedness necessary to maintain the power supply in Norway. Bad weather was forecast, which entailed a significant risk of damage to the power grid. If these defects could not be fixed immediately, this could potentially pose a danger to the power supply. Therefore, the dispute was a threat to essential public interests.

Temporary legislation of 19 September 2014 relating to the wages arbitration board's processing of the labour dispute between Industri Energi and the Federation of Norwegian Industries in connection with the collective wage settlement for laundries and cleaners in 2014. This dispute affected laundries responsible for supplying certain hospitals with work clothes and bedding. This could have posed a threat for patient safety, and could thus be a threat to life and public health.

Temporary legislation of 12 August 2016 relating to the wages arbitration board's processing of the labour dispute between the Norwegian Airline Pilots Association and the Federation of Norwegian Aviation Industries in connection with the 2016 wage settlement. The dispute related to pilots who were employed in a company engaged in air ambulance services. A strike among these pilots would impair preparedness in that ambulance aircraft would be prevented from flying. Therefore, the dispute posed a threat to life and public health.

The Act of 20 December 2016, No. 104 (Prop. 10 L (2016-2017)) relating to the wages arbitration board's processing of the labour dispute between the Federation of Norwegian Professional Associations and the Employers' Association Spekter in connection with the 2016 wage settlement (the health trusts). A strike among the physicians at Norwegian hospitals lasted from 7 September to 11 October, with regular escalations. In total, 628 physicians, engineers, economists, lawyers and social scientists were on strike. After 36 days, a situation arose in which a hospital could no longer maintain prudent emergency medical services. A continued strike would therefore constitute a hazard to life and public health.

Article 21 – Right of workers to be informed and consulted

General legal framework
Reference is made to previous reports. The Working Environment Act Chapter 8 regulates the rights of workers to be informed and consulted. This provision has not been changed during the reference period.

New Ship Labour Act
The Ship Labour Act § 11-1 requires any enterprise under the act that on a regular basis employs at least 50 persons must inform and consult with the workers representatives in matters concerning working conditions. According to the preparatory works this shall include all employees and is not dependent on whether the employees are temporary or permanent workers. This is the same provisions as in the Working Environment Act.

In addition the employer under the Ship Labour Act § 5-1 required to inform and consult with the workers representatives if they are considering the termination of the working relationship with 10 employees or more. The consultations must include ways to avoid the terminations and efforts to reduce the number or to create the minimum damage to the affected employees.

There are also provisions in the act that requires information and consultation on vacancies in the business, the use of temporary employees and questions concerning the risks and safety of working on board the ship.

Question 1
Collective wage agreements may contain provisions regarding how disagreements concerning the interpretation of the agreement shall be handled. In most cases, issues regarding interpretation of collective agreements can be brought before the Labour Court. Alternatively, the parties may have incorporated provisions regarding other dispute resolution bodies. If an individual employee believes he can base a concrete claim on the agreement, for example, a claim for financial compensation, then the issue can be brought before the ordinary courts of justice.

If a disagreement concerning the agreement could have an impact on the working environment, or the employees' right to be informed could have an impact in some other way on the working conditions, the employees can report the matter to the Norwegian Labour Inspection Authority, which has several different options for following up the issue. See the report regarding Article 22 for a more detailed description of the Norwegian Labour Inspection Authority's role.

Conclusion of non-conformity
The Committee emphasises that all employees, regardless of status, length of employment or work location, are entitled to be informed and consulted. Norway's reporting from 2010 shows that the right to information for all categories of employees does not apply in Norway. The Committee requests an account of which categories of employees are covered by the information provision in Chapter 8, Section 8-1 of the Working Environment Act.

The information provision in Section 8-1 of the Working Environment Act has the same area of application as for the Working Environment Act in general, which means that, as a point of

departure, the right to information applies for all employees. Moreover, it is a requirement that the enterprise must have at least 50 employees.

The grounds for the provision are found in the preparatory works for Odelsting Proposition No. 49 (2004-2005) pg. 124;
"The Ministry is of the opinion that the obligation to provide information and consultation should be stipulated for larger enterprises. The Ministry refers to the preamble of the Directive, which emphasises e.g. not imposing administrative, financial and legal burdens that could impair the establishment and development of small and medium-sized enterprises.

In Section 8-1 (1) the Ministry proposes that the rules should apply for enterprises that regularly employ at least 50 persons. It is natural to assume the same rules for the scope of application for the information and consultation rules as for the rules regarding the duty to cooperate on health, environment and safety issues. The limit of 50 employees also follows from the EU Directive, Article 3, No. 1, litera a. Both full-time and part-time employees should be included. Rules regarding how to calculate the number of employees will be laid down in regulations, as has currently been done in the regulations relating to safety delegates and working environment committees".

When determining how many people are employed in the enterprise, all employees must be included in the count. The authorities note that the individual employee's status or type of employment relationship is not decisive. Distinctions are made between full-time or part-time employees, or whether they are permanent or temporary employees. All employees who are employed in the enterprise have the same rights to information, consultation and representation, regardless of their type of employment or contract that governs the employment relationship. If the enterprise regularly has a certain number of temporary employees or substitutes, they must also be included in the count. An assessment must be made of the enterprise over a certain period of time. If, for example, extra labour is only needed for a certain period of time, these employees will not necessarily be included in the count.

Article 22 - Right of workers to take part in the determination and improvement of working conditions and working environment

General legal framework
Reference is made to previous reports. There has been no significant amendments made in the rules during the reference period.

Question 1
The Committee asks how the employees are involved in the organisation of social and cultural services and facilities. The Committee points out that the Working Environment Act does not govern this, but that it can be found in agreements between employers and employees and in staff regulations. The Committee requests that the next report contain an overview of how these agreements/staff regulations are "defined".

As regards staff regulations and agreements relating to social and socio-cultural aspects, these are organised in various ways. An agreement will be entered into between the employer and the employee representative, which will be binding for both parties. Breaches of such an agreement may be brought before the Labour Court or the ordinary courts of justice. Staff regulations may be agreed, but may also be issued by the employer unilaterally. Such regulations will obligate the employer directly, and can bind the employee if the regulations are incorporated in the employment contract, or if they are referenced in the contract. Claims pursuant to such regulations will not be interpretation of a collective agreement, and therefore cannot be brought before the Labour Court. Claims must be brought before the ordinary courts of justice.

Conclusion of non-conformity
The Committee also believes that the situation in Norway is not in accordance with the Social Charter because employees do not have the opportunity to appeal/have no legal remedies if they believe they are not allowed to participate in the planning/improvement of their working environment.

The authorities also refer to Norway's report in 2015 (*Norway`s 13th National report on the implementation of the European social charter*) where these factors are addressed. For the sake of good order, excerpts from the report are included below.

The Committee concluded in 2014 that the situation in Norway is not in conformity with Article 22 of the Charter on the grounds that it has not been established that workers and/or their representatives have legal remedies when their right to take part in the determination and improvement of working conditions is not respected.

The relevant rules of the Working Environment Act of 17 June 2005 no. 62 (WEA) in respect of the employees' codetermination regarding improvement of working conditions are representation rules regarding safety representative (Chapter 6) and the working environment committees (Chapter 7). There are also several rules on information and consultation. However, these rules do not secure codetermination such as the safety representative and working environment committee systems. Furthermore, the employees have an individual obligation to cooperate on the design, implementation and follow-up of the enterprise's

systematic work on health, environment and safety. Employees shall take part in the enterprise's organised safety and environmental work and shall actively cooperate on implementation of measures to create a satisfactory and safe working environment, cf. the WEA, Section 2-3.

The employees may report to the Labour Inspection Authority, either anonymously or with full identity, to provide the authorities with information on breaches of the law. The Labour Inspection Authority will take action in cases which involve serious breaches of the law. The Authority is authorised to issue orders or impose coercive fines to ensure compliance (WEA Sections 18-6 and 18-7). According to a new piece of legislation which entered into force on 1 January 2014, the Authority may also impose fines as a penalty for violation of the law (WEA Section 18-10). In the most serious cases, the Labour Inspection Authority will submit cases to the police with a petition to prosecute. Violation of these statutory rules is a punishable offence for both the employer (WEA Section 19-1) and for the enterprise (WEA Section 19-3). Finally, the Labour Inspection Authority may suspend the activity of the enterprise until the issued orders are complied with (WEA Section 18-8).

As the authority of the Labour Inspection Authority is widely known, workers and/or their representatives need not normally appeal to the courts in respect of an alleged breach of their right to take part in the determination and improvement of working conditions.

This does not mean that a case concerning violation of the WEA's rules on codetermination cannot be brought before the courts. This is possible according to the general Act of 17 June 2005, No. 90 relating to mediation and procedure in civil disputes. The employees may have a current need for a court decision, for example in the absence of enforcement by the Labour Inspection Authority. In principle, the employees can bring a case before the courts, provided that the general requirements for filing a lawsuit are present, cf. specifically the Dispute Act, Section 1-3, concerning cause of action and the parties' connection to the case. If employees have a current interest and a specific need for a judicial decision or clarification related to a legal requirement concerning participation and codetermination, they may bring the case before the courts individually (the Dispute Act, Section 2-1(1)), as a group (the Dispute Act Section 35-2) or through a trade union (the Dispute Act, Section 2-1(2)).

Hence, the Norwegian Government is of the opinion that workers and/or their representatives have legal remedies when their right to take part in the determination and improvement of working conditions is not respected.

Article 28 - The right of workers' representatives to protection and facilities

General legal framework
Reference is made to previous reports. There has been no significant amendments made in the rules. The Working Environment Act Chapter15 regulates the rights protection against unfair termination of the working relationship. This also includes the protection of the workers representatives. This provisions has not been changed during the reference period.

The new Ship Labours Act
The act does not regulate the right of workers representatives facilities. This is regulated in the collective agreements. The agreements typically includes the employers obligation to provide training of the representatives, the covering of expenses, and the time required to perform the duties as a workers representative.

The protection against unfair dismissal in the Ship Labour Act § 5-6 also extends to the workers representatives in the same way as in the Working Environment Act.

Question 1
The Committee requests information concerning whether travel expenses are part of the remedies made available to the employee representatives.

If the enterprise has employee representatives who need to travel to maintain contact with employees in various parts of the enterprise, necessary travel expenses will be covered by the enterprise. In most cases, which travel costs are covered will be part of the collective agreement, as well as how this is to be calculated and documented.

Conclusion of non-conformity
As regards protection of employee representatives, we refer to Norway's report in 2015 (Norway`s 13th national report on the implementation of the European social charter) where these factors are addressed. For the sake of good order, excerpts from the report are included below.

The Committee concludes that the situation in Norway is not in conformity with Article 28 of the Charter on the grounds that it has not been established that the protection granted to employee representatives is extended for a reasonable period after the end of their mandate period.

According to the Working Environment Act (WEA), Section 15-7, employees may not be dismissed unless this is *objectively justified* on the basis of circumstances relating to the enterprise, the employer or the employee. Dismissal due to curtailed operations or rationalisation measures is not objectively justified if the employer has other suitable work in the enterprise to offer the employee. The employer may summarily dismiss an employee if he or she is guilty of a gross breach of duty or other serious breach of the contract of employment, cf. the WEA, Section 15-14.

The above-mentioned rules apply generally to all dismissals, even in cases of dismissals of shop stewards. The position of the employee as a shop steward will be a part of the court's assessment of whether a dismissal is objectively justified or not. The employer may allege

that actions of the employee performed in the period as a shop steward gives reason to dismiss him/her when no longer serving in this capacity. In that case, the court must assess whether the dismissal is objectively justified in light of the special position he/she had as a shop steward. Hence, the protection does not end when the employee no longer serves as shop steward.

According to the Basic Agreement's (LO and NHO 2014-2017) Section 5-11, the shop stewards may not be given notice to leave or be summarily dismissed *without just cause*. In addition to seniority and other factors which should reasonably be taken into account, due regard shall be given to the special position the shop stewards have in the enterprise. If shop stewards are given notice individually, the period of notice shall be 3 months unless they are entitled to longer notice under the Working Environment Act or their contracts. This special period of notice does not apply if notice is given as a result of the shop steward's own conduct. When implementing workforce reductions, reorganisations and lay-offs, the agreement explicitly states that the special position of the shop stewards must be taken into account.
The provisions apply correspondingly to safety delegates and members of working environment committees, boards and corporate assemblies.

Most of the shop steward's rights pursuant to the Basic Agreement are connected to the employee who currently fills the position as a representative. However, the requirement of the agreement regarding "just cause" will always apply. If the employer alleges that an action performed under the duty gives reason for a dismissal when he/she no longer serves as shop steward, the court must take into account the special position of the employee under said duty, when assessing if the employer has "just cause" for a dismissal.

The "just cause" concept in the Basic Agreement shall be understood or used in the same way as the "objectively justified" concept in the WEA, according to the agreement parties.
It is the opinion of the Government that this will provide a shop steward with sufficient and reasonable employment protection after the period he/she has served in this capacity.