

## — Norway and the European Social Charter —

### Signatures, ratifications and accepted provisions

Norway ratified the European Social Charter on 26/10/1962; it accepted 60 of the Charter's 72 paragraphs.

Norway ratified the Additional Protocol providing for a system of collective complaints on 20/03/1997. It has not yet made a declaration enabling national NGOs to submit complaints.

Norway ratified the Revised Charter on 07/05/2001; it accepted 80 of the Revised Charter's 98 paragraphs.

### The Charter in domestic law

Statutory ad hoc incorporation by specific implementing legislation.

### Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1*	27.2	27.3	28	29	30	31.1
31.2	31.3							Grey = Accepted provisions			

\* Sub-para. c.

### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Norway](#) in 2006, 2013 and 2017. The Committee notes with interest the Government's statement that it is working actively on the acceptance of Articles 2§7, 3§1, 18§1, 18§4, 27§1 and 27§3. It encourages the Norwegian authorities to complete this work as soon as possible.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

## Monitoring the implementation of the European Social Charter <sup>1</sup>

### I. Collective complaints procedure <sup>2</sup>

#### Collective complaints (under examination)

*Norwegian Association of Small & Medium Enterprises (SMB Norge) v. Norway (Complaint No. 198/2021)*  
The Committee [declared](#) the complaint admissible on 8 September 2021.

#### Collective complaints (proceeding completed)

##### 1. Complaints inadmissible or where the Committee has found no violation

###### a. Inadmissibility

*Fellesforbundet for Sjøfolk (FFFS) v. Norway (Complaint No.120/2016)*  
The complaint was declared inadmissible on 18 October 2016.  
[Decision on admissibility of 18 October 2016](#)

###### b. No violation

*Bedriftsforbundet v. Norway (Complaint No.103/2013)*  
The Committee [declared](#) the complaint admissible on 14 May 2014.

- Non-violation of Article 5 (right to organize)

[Decision on the merits of 17 May 2016](#)  
Follow up:  
[Resolution Res ChS \(2016\) 6 on 5 October 2016 of the Committee of Ministers](#)

##### 2. Complaints where the Committee has found a violation, which has been remedied

*Fellesforbundet for Sjøfolk (FFFS) v. Norway (Complaint No. 74/2011)*

- Violation of Article 1§2 (right to work – freely undertaken work – non-discrimination, prohibition of forced labour, other aspects)
- Violation of Article 24 (right to protection in case of dismissal)

[Decision on the merits of 2 July 2013.](#)  
Follow up:

- Resolution Res ChS (2013) 17 on 16 October 2013 of the Committee of Ministers;
- [Assessment of the European Committee of Social Rights on the follow up \(7 July 2016\)](#): the Committee reserved its position pending further information.
- [2<sup>nd</sup> Assessment of the European Committee of Social Rights on the follow up \(13 September 2017\)](#).
- [3<sup>rd</sup> Assessment of the European Committee of Social Rights on the follow up \(31 January 2020\)](#).

##### 3. Complaints where the Committee has found a violation and where progress has been made but not yet examined by the Committee

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##### 4. Complaints where the Committee has found a violation and where progress has been made but which has not yet been remedied

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<sup>1</sup> The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ». Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

<sup>2</sup> Detailed information on the Collective Complaints Procedure is available on the [relevant webpage](#).

## **5. Complaints where the Committee has found a violation, which has not yet been remedied**

*University Women of Europe (UWE) v. Norway (Complaint No. 135/2016)*

- Violation of Article 4§3 (Right to a fair remuneration - non-discrimination between women and men with respect to remuneration)
- Violation of Article 20 (Right to equal opportunities and treatment in employment and occupation without sex discrimination)

[Decision on the merits of 6 December 2019.](#)

Follow up:

Recommendation [CM/RecChS\(2021\)12](#) (Adopted by the Committee of Ministers on 17 March 2021 at the 1399th meeting of the Ministers' Deputies)

## II. Reporting system<sup>3</sup>

### Reports submitted by Norway

Between 1964 and 2022, Norway has submitted 22 reports on the application of the 1961 Charter and 19 reports on the application of the Revised Charter.

The [18<sup>th</sup> report](#), submitted on 22/03/2021, concerns the accepted provisions relating to thematic group 2 "Health, social security and social protection" (Articles 3, 11, 12, 13, 14, 23 and 30).

Conclusions with respect to these provisions have been published in March 2022.

The [19<sup>th</sup> report](#), submitted on 28/01/2022, concerns the follow-up given to the relevant decisions of the Committee in the framework of the collective complaints procedure.

The assessments of the Committee on the follow-up to decisions in complaints will be published in March 2023.

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<sup>3</sup> Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years. Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups. Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

## Situations of non-conformity <sup>4</sup>

### Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2012

No report was submitted concerning the Articles in thematic group 1 in 2019; therefore, the Committee was unable to adopt Conclusions in the 2020 cycle.

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2012.

► *Article 10§5 - Right to vocational training - Full use of facilities available*

A length of residence and employment requirement is imposed on nationals of certain other States Parties lawfully resident or regularly working in Norway as a condition for entitlement to financial assistance for education.

► *Article 24 – Right to protection in case of dismissal*

It has not been established that there is an appropriate adjustment of the burden of proof between employee and employer in dismissal cases.

### Thematic Group 2 "Health, social security and social protection" - Conclusions 2021

► *Article 12§4 – Right to social security - social security of persons moving between states*

- The length of residence required of persons no longer resident in Norway or not resident in a country with which Norway has an agreement in order to be able to benefit from the exportability of non-contributory old-age, invalidity and survivors' benefits is excessive;
- The accumulation of periods of insurance or employment is not guaranteed for nationals of all States Parties.

► *Article 13§1 – Right to social and medical assistance - adequate assistance for every person in need*

The level of social assistance is not adequate.

► *Article 23 – Right of the elderly to social protection*

There is no legislation prohibiting discrimination on grounds of age outside employment.

### Thematic Group 3 "Labour rights" - Conclusions 2018

► *Article 2§1 – Right to just conditions of work - Right to reasonable working time*

- Daily working hours can be authorised to go up to 16 hours;
- Weekly working hours can exceed 60 hours.

► *Article 2§2 - Right to just conditions of work - Public holidays with pay*

A wage supplement for work on public holidays amounting to 50% of normal daily wages cannot be considered as an adequate level of compensation.

► *Article 4§4 – Right to a fair remuneration - Reasonable notice of termination of employment*

The following notice periods are not reasonable:

- One months' notice for workers with more than three and less than five years of service is not reasonable;
- One months' notice applicable to temporary employees with more than three years of service is not reasonable;
- No notice period is applicable to temporary employees with less than one year of service.

► *Article 28 - Right of workers' representatives to protection in the undertaking and facilities to be accorded to them*

There is no protection afforded to workers' representatives after the end of their mandate.

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<sup>4</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

#### **Thematic Group 4 “Children, families, migrants” - Conclusions 2015**

According to the applicable rules, Conclusions 2019 only refer to the information submitted by the Norwegian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2015.

► *Article 7§1 – Right of children and young persons to protection - Prohibition of employment under the age of 15*

The daily and weekly duration of light work permitted during school holidays for children under the age of 15 is excessive and therefore cannot be qualified as light work.

► *Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*

- The daily and weekly working time during school holidays for children subject to compulsory education is excessive and therefore cannot be qualified as light work;
- It is possible for children who are still subject to compulsory education to deliver newspapers, before school, from 6 a.m. for up to 2 hours per day, 5 days per week;
- Young persons under 18 years of age who are still subject to compulsory education are not guaranteed an uninterrupted rest period of at least two weeks during summer holiday.

► *Article 16 - Right of the family to social, legal and economic protection*

Equal treatment of nationals of other States Parties regarding the payment of child benefit is not ensured because the length of residence requirement is excessive.

► *Article 19§4 - Right of migrant workers and their families to protection and assistance - Equality regarding employment, right to organise and accommodation*

A two-year residence requirement for eligibility for municipal housing, as applied by some municipalities, is excessive and constitutes a discrimination against migrant workers and their families.

► *Article 19§10 - Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed*

The ground of non-conformity under Article 19§4 applies also to self-employed migrants.

**The Committee has been unable to assess compliance with the following provisions and has invited the Norwegian Government to provide more information in the next report:**

**Thematic Group 1 "Employment, training and equal opportunities"**

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**Thematic Group 2 "Health, social security and social protection"**

- ▶ Article 3§3 - Conclusions 2021
- ▶ Article 11§3 - Conclusions 2021

**Thematic Group 3 "Labour rights"**

- ▶ Article 4§1 - Conclusions 2018
- ▶ Article 4§3 - Conclusions 2018

**Thematic Group 4 "Children, families, migrants"**

- ▶ Article 7§5 - Conclusions 2015
- ▶ Article 7§8 - Conclusions 2015
- ▶ Article 17§1 - Conclusions 2015
- ▶ Article 19§2 - Conclusions 2015
- ▶ Article 31§2 - Conclusions 2015

According to the applicable rules, Conclusions 2019 only refer to the information submitted by the Norwegian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

### **III. Examples of progress achieved in the application of rights under the Charter (non-exhaustive list)**

#### **Thematic Group 1 "Employment, training and equal opportunities"**

- ▶ Repeal of the Seafarers Act of 17 July 1953, which allowed criminal sanctions to be imposed on seafarers who deserted their post or committed disciplinary offences, even in cases where neither the safety of the vessel nor the lives or health of those on board were in danger (Act of 30 May 1975).
- ▶ Amendment to the Working Environment Act, Section 54 B establishes a prohibition against direct and indirect discrimination on the basis of disability

#### **Thematic Group 2 "Health, social security and social protection"**

- ▶ Regulation No. 1255 of 2011 relating to the right to health and care services for people without permanent residence: children who are unlawfully present have the same rights to health and care services as children who live in Norway.

- ▶ In July 2016, a Gender Recognition Act was adopted which allows one to change legal gender (male/female) without the previously required sterilisation.

- ▶ As regards children and young people in low-income families, the Government's strategy, "Children Living in Poverty" for the 2015-2017 period, was followed by a new cooperation strategy, "Equal Opportunities for Children" for the 2020-2023 period. The new strategy emphasises the importance of increasing the participation of children and young people from low-income families with other children and young people allowing them to develop on an equal footing, with a view to stimulating social mobility and breaking the generational cycle of poverty and low incomes.

#### **Thematic Group 3 "Labour rights"**

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#### **Thematic Group 4 "Children, families, migrants"**

- ▶ Extension of the scope of family reunion to include children only one of whose parents is living in Norway (1991 immigration directives, as amended in 1997).
- ▶ Various practical measures to assist foreigners in finding accommodation, such as reserving quotas of existing housing stock for refugees and immigrants, promoting research into multicultural living environments and disseminating information on the legislation providing for equal treatment in access to housing.
- ▶ Regulation No. 1255 of 2011 relating to the right to health and care services for people without permanent residence: children who are unlawfully present have the same rights to health and care services as children who live in Norway.