



March 2018

## **European Social Charter**

European Committee of Social Rights

Conclusions 2018

**NORWAY**

*This text may be subject to editorial revision.*



The following chapter concerns Norway which ratified the Charter on 7 May 2001. The deadline for submitting the 15th report was 31 October 2017 and Norway submitted it on 13 April 2018.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report concerns the following provisions of the thematic group "Labour Rights":

- right to just conditions of work (Article 2),
- right to a fair remuneration (Article 4),
- right to organise (Article 5),
- right to bargain collectively (Article 6),
- right to information and consultation (Article 21),
- right to take part in the determination and improvement of the working conditions and working environment (Article 22),
- right to dignity at work (Article 26),
- right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28),
- right to information and consultation in collective redundancy procedures (Article 29).

Norway has accepted all provisions from the above-mentioned group except Articles 2§7, 26 and 29.

The reference period was 1 January 2013 to 31 December 2016.

The conclusions relating to Norway concern 19 situations and are as follows:

– 13 conclusions of conformity: Articles 2§3, 2§4, 2§5, 2§6, 4§2, 4§5, 5, 6§1, 6§2, 6§3, 6§4, 21 and 22;

– 4 conclusions of non-conformity: Articles 2§1, 2§2, 4§4 and 28.

In respect of the 2 other situations related to Articles 4§1 and 4§3, the Committee needs further information in order to examine the situation. The Committee considers that the absence of the information requested amounts to a breach of the reporting obligation entered into by Norway under the Charter. The Committee requests the authorities to remedy this situation by providing the information in the next report.

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The next report to be submitted by Norway will be a simplified report dealing with the follow up given to decisions on the merits of collective complaints in which the Committee found a violation.

The deadline for submitting that report was 31 October 2018.

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Conclusions and reports are available at [www.coe.int/socialcharter](http://www.coe.int/socialcharter) as well as in the HUDOC database.

## **Article 2 - Right to just conditions of work**

### *Paragraph 1 - Reasonable working time*

The Committee takes note of the information contained in the report submitted by Norway.

In its previous conclusion the Committee found that the situation was not in conformity with the Charter, on the ground that daily working hours could be authorised to go up to 16 hours. According to the report this remains the case, and is intended to be an absolute limit. 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.

The Committee recalls that daily working time should in all circumstances amount to less than 16 hours per day in order to be considered reasonable under the Charter (Conclusions XIV-2, General Introduction). Exceptions are only allowed in extraordinary circumstances. This is a limit which must be respected and cannot be waived by foreseeing compensatory measures. The exceptions allowed in Norway cannot be considered as extraordinary circumstances.

The Committee considers that the situation which it has previously found not to be in conformity with the Charter has not changed. Therefore, it reiterates its previous finding of non-conformity.

The Committee notes that there have been changes to the general rules on working hours as laid down in the Working Environment Act. An individual employee can now enter into an individual agreement with the employer that includes working days of up to 10 hours (previously 9 hours). The total working hours in a week, including over time, may not be more than 50 hours while the overall average and 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.

In addition the Committee notes that pursuant to an agreement between the employer and the employee representative, the 10 hour working hours rule can be expanded by an individual agreement between employer and employee to 12.5 hours (previously 10 hours), in return for equivalent time off at a later date. The weekly working hours can never be more than 69 hours in total, including over time. As for the individual agreements these collective agreements 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.

The Committee recalls that weekly working time should in all circumstances amount to less than 60 hours a week in order to be considered reasonable under the Charter (Conclusions XIV-2 (1998), Netherlands). Therefore it finds the situation in Norway is not in conformity.

### *Conclusion*

The Committee concludes that the situation in Norway is not in conformity with Article 2§1 of the Charter on the grounds that

- daily working hours can be authorised to go up to 16 hours, and
- weekly working hours can exceed 60 hours.

## **Article 2 - Right to just conditions of work**

### *Paragraph 2 - Public holidays with pay*

The Committee takes note of the information contained in the report submitted by Norway.

It previously reserved its conclusion and asked the next report to clarify whether Norwegian employees receive pay even though they do not work on public holidays other than 1 May and 17 May.

The report states that Sundays and public holidays shall be days off work (Section 10-10 of the Working Environment Act). Public holidays include 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 amounts to 10 public holidays during the course of a year. Workers with permanent contracts and fixed working hours are entitled to time off on public holidays without any deduction in pay should the holiday fall on an ordinary working day.

The Committee furthermore asked the next report to indicate what the rate of compensation is (in terms of salary and/or compensatory time off), if any, in respect of work being done on public holidays.

The report states that regarding the 1st of May and 17th of May employees are entitled to a supplement of at least 50% of their wages for an ordinary day for work done on these days resulting in total pay corresponding to 150% of normal daily wages unless an agreement has been signed regarding other compensation (Section 3 of the *Act relating to 1 May and 17 May as public holidays*).

The report further states that 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. The Committee notes that in the retail sector the collective wage agreements give employees who are to work on public holidays 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.

The Committee recalls that work performed on a public holiday entails a constraint on the part of the worker, who should be compensated. It previously concluded (Conclusions XX-3 (2014), Greece) that compensation corresponding to the regular wage increased by 75% is not sufficiently high to constitute an adequate level of compensation for work performed on a public holiday.

It therefore asks the next report to clarify how many workers are covered by a collective agreement and would therefore receive a supplement of 100%.

### *Conclusion*

The Committee concludes that the situation in Norway is not in conformity with Article 2§2 of the Charter on the ground that 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 2 - Right to just conditions of work**

### *Paragraph 3 - Annual holiday with pay*

The Committee takes note of the information contained in the report submitted by Norway.

The Committee notes that there have been no changes in the situation which it previously concluded to be in conformity with Article 2§3 of the Charter.

It previously noted that employees are entitled to 25 working days of paid leave, including 18 days between 1 June and 30 September. It also noted that up to 12 working days of paid holidays could be transferred to the following holiday year.

### *Conclusion*

The Committee concludes that the situation in Norway is in conformity with Article 2§3 of the Charter.

**Article 2 - Right to just conditions of work**

*Paragraph 4 - Elimination of risks in dangerous or unhealthy occupations*

The Committee takes note of the information contained in the report submitted by Norway.

The Committee notes that there have been no changes in the situation which it previously concluded to be in conformity with Article 2§4 of the Charter.

It previously noted that under the Working Environment Act, amended in 2006, employers are required to provide their employees with a safe workplace, working methods, materials and equipment and proper and effective training on occupational health and safety matters and that the relevant legislation has been simplified so as to make it more accessible to employers and employees.

*Conclusion*

The Committee concludes that the situation in Norway is in conformity with Article 2§4 of the Charter.

## **Article 2 - Right to just conditions of work**

### *Paragraph 5 - Weekly rest period*

The Committee takes note of the information contained in the report submitted by Norway.

It previously concluded that the situation was in conformity and asked the next report to clarify whether there are situations, under the law or collective agreements, in which an employee might work more than twelve consecutive days before being granted a rest period.

The report states that employees are entitled to 35 hours of consecutive time off during the course of seven days (Section 10-8 (3) of the Working Environment Act). 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.

It further states that 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, it 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.

### *Conclusion*

The Committee concludes that the situation in Norway is in conformity with Article 2§5 of the Charter.



## **Article 2 - Right to just conditions of work**

### *Paragraph 6 - Information on the employment contract*

The Committee takes note of the information contained in the report submitted by Norway.

The Committee notes that there have been no changes in the situation which it previously concluded to be in conformity with Article 2§6 of the Charter.

It refers to its previous conclusions (Conclusions 2010 and 2014), where it noted that under the Working Environment Act all employment relationships must be subject to a written contract of employment, which shall at least include:

- the identity of the parties;
- the place of work;
- description of the employee's duties, title, grade or category of the work;
- the date of commencement of the employment;
- if the employment is temporary, its expected duration;
- the rights of the employee concerning holidays; holiday pay and rules concerning the fixing of holidays;
- the period of notice for termination of employment;
- the pay applicable and supplements;
- normal daily and weekly working hours;
- trial periods;
- information on any collective agreements applicable.

### *Conclusion*

The Committee concludes that the situation in Norway is in conformity with Article 2§6 of the Charter.

## **Article 4 - Right to a fair remuneration**

### *Paragraph 1 - Decent remuneration*

The Committee takes note of the information contained in the report submitted by Norway.

Previously the Committee deferred its conclusion (Conclusions 2014), pending receipt of the information requested, and requested for information on net figures for the average wage and the agreed minimum wages.

In reply, the report indicates that the average monthly salary for all employed women and men in different sectors amounted for all sectors to NOK 42 600 (€ 4 506,65) in 2015 and to NOK 43 300 (€ 4 580,71) in 2016. More specifically, for the private sector and public companies the average monthly wage amounted to NOK 43 200 (€ 4 570,13) in 2015 and NOK 43 800 (€ 4 633,60) in 2016, for the local government administration amounted to NOK 38 600 (€ 4 083,49) in 2015 and NOK 39 500 (€ 4 178,71) in 2016 and for the central government administration amounted to NOK 45 700 (€ 4 834,60) in 2015 and NOK 46 500 (€ 4 919,23) in 2016. The Committee, asks for information on net figures for the average wage. It also asks the next report to indicate the minimum net wage for these sectors.

In addition, the report states that certain sectors have set minimum wages and provides details of these. The Committee notes that the lowest wages are paid in the hospitality and catering sector (minimum wage for those who are over the age of 20 and those who are over the age of 18 after four months' experience, amounts to NOK 157.18 (€ 16,63)) and in the agricultura land horticultural sector sector (the minimum wage for permanant unskilled workers amounts to NOK 135.05 (€ 14,29)).

The Committee asks the next report to clarify whether the figures for certain categories of workers provided in the report concern the gross or the net minimum wage and, in case they concern the gross minimum wage, to provide information on the net minimum wage. In addition, it asks the next report to provide information on the average net wage as regards these sectors.

In its previous conclusion (Conclusions 2014), the Committee asked that the next report contain detailed information on any benefits to which certain categories of workers, for which minimum wages agreed do not come close to the gross average income, would be eligible.

In reply, the report refers to the Norwegian Social Insurance Scheme. It also indicates that financial public assistance is also available to low – income workers, who have lawful residence in Norway and refers to rates and guidelines recommended by the Government, which are applicable as of 1 January 2018 (outside the reference period). As regards the rates applicable to financial public assistance to low-income workers, the Committee will assess the situation in the next reporting cycle concerning Article 4§1.

### *Conclusion*

Pending receipt of the information requested, the Committee defers its conclusion.

#### **Article 4 - Right to a fair remuneration**

##### *Paragraph 2 - Increased remuneration for overtime work*

The Committee takes note of the information contained in the report submitted by Norway.

It notes that the situation, which it previously found to be in conformity with the Charter (Conclusions 2014), remained the same during the reference period and therefore reiterates its conclusion of conformity. It also asks for updated information in the next report on any changes to the legal framework concerning increased remuneration for overtime work.

##### *Conclusion*

The Committee concludes that the situation in Norway is in conformity with Article 4§2 of the Charter.

**Article 4 - Right to a fair remuneration**

*Paragraph 3 - Non-discrimination between women and men with respect to remuneration*

The Committee takes note of the information contained in the report submitted by Norway.

*Conclusion*

Pending its decision concerning *UWE v. Norway*, complaint No. 135/2016, the Committee defers its conclusion.

## **Article 4 - Right to a fair remuneration**

### *Paragraph 4 - Reasonable notice of termination of employment*

The Committee takes note of the information contained in the report submitted by Norway.

For a detailed description of notice periods applicable to termination of employment, the Committee refers to its previous conclusion (Conclusions 2014). The report does not indicate changes as regards Article 15-3 of the Working Environment Act, providing for notice periods, and Article 14-9§4 and 5 of the Working Environment Act regulating notice periods for temporary employment contracts. The Committee therefore, reiterates its previous conclusion of non-conformity as regards one months' notice period applicable to employees with more than three and less than five years of service. It also reiterates its previous finding of non-conformity as regards the lack of notice period for temporary employees with less than one year of service and one months' notice period applicable to temporary employees with more than three years of service.

The report states that, according to new provisions of the Working Environment Act, which came into force during the reference period, employment can be terminated on the ground that the employee reaches the age of 72, while a lower age limit can be established due to health and safety reasons. A lower age limit, not lower than 70 years of age, may also apply in case it is applied consistently by the employer, it is known to employees and the employee is entitled to a satisfactory service pension scheme. In this case, the notice periods established in Article 15-3 of the Working Environment Act apply.

The Committee notes from the Working Environment Act (Article 15-3§1) that a notice period shorter than one month can be established by agreement between the employer and the employees' representatives at undertakings bound by a collective pay agreement and by regulations issued by the competent Ministry concerning participants in labour market schemes. The Committee requests information on agreements between employers and employees' representatives and regulations issued by the competent Ministry providing for notice periods which are shorter than one month.

In reply to the Committee's previous question (Conclusions 2014) concerning compensation which may supplement or complement the notice periods in force, the report indicates that, in case of a fair dismissal, during the notice period the employee continues to provide his/her work and is paid until the expiration of the notice period, while it does not indicate the existence of any compensation additional to notice periods.

In its previous conclusion (Conclusions 2014), the Committee asked the next report to provide information on notice periods and/or severance pay applicable to the early termination of fixed-term contracts. The report contains no information on notice periods and/or severance pay applicable to early termination of fixed-term contracts. The Committee, therefore, reiterates its question.

### *Conclusion*

The Committee concludes that the situation in Norway is not in conformity with Article 4§4 of the Charter on the grounds that:

- 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 4 - Right to a fair remuneration**

### *Paragraph 5 - Limits to deduction from wages*

The Committee takes note of the information contained in the report submitted by Norway.

In its previous conclusion (Conclusions 2014), the Committee held that the situation was not in conformity with Article 4§5 of the Charter on the ground that there were insufficient guarantees in place to prevent workers from waiving their right to limits to deduction from wages.

The report indicates that the employee cannot waive his right to the statutory limitations to wage deductions. According 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 for supporting himself/herself and his/her household. No amounts may be deducted from pay or holiday pay unless the right to make such deductions arises from specific provisions; deductions may, for instance, be made when authorized by law, in respect of trade union dues or when stipulated in advance by written agreement.

With respect to the implementation of the 2014 Regulation on the attachment of wages, the report states that the Regulation is 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.

The Committee asks that the next report contain up-dated information on the situations in which deductions from wages are authorised by law (Article 14-15§ 2(a)) of the Working Environment Act.

### *Conclusion*

Pending receipt of the information requested, the Committee concludes that the situation in Norway is in conformity with Article 4§5 of the Charter.

## **Article 5 - Right to organise**

The Committee takes note of the information contained in the report submitted by Norway.

It already examined the situation with regard to the right to organise (forming trade unions and employer associations, freedom to join or not to join a trade union, trade union activities, representativeness, and personal scope) in its previous conclusions. It will therefore only consider recent developments and additional information.

The Committee recalls it previously found that the situation was in conformity with the Charter. According to the report there have been no changes to the situation.

### ***Personal scope***

The Committee refers to its general question on the right of members of the armed forces to organise.

### ***Conclusion***

The Committee concludes that the situation in Norway is in conformity with Article 5 of the Charter.

**Article 6 - Right to bargain collectively**

*Paragraph 1 - Joint consultation*

The Committee takes note of the information contained in the report submitted by Norway.

The Committee recalls it previously found that the situation was in conformity with the Charter. The report provides no new information. The Committee reiterates its previous conclusion.

*Conclusion*

The Committee concludes that the situation in Norway is in conformity with Article 6§1 of the Charter.



**Article 6 - Right to bargain collectively**

*Paragraph 2 - Negotiation procedures*

The Committee takes note of the information contained in the report submitted by Norway.

The Committee recalls it previously found that the situation was in conformity with the Charter. The report provides no new information. The Committee reiterates its previous conclusion.

*Conclusion*

The Committee concludes that the situation in Norway is in conformity with Article 6§2 of the Charter.

**Article 6 - Right to bargain collectively**

*Paragraph 3 - Conciliation and arbitration*

The Committee takes note of the information contained in the report submitted by Norway.

The Committee recalls it previously found that the situation was in conformity with the Charter. The report provides no new information. The Committee reiterates its previous conclusion.

*Conclusion*

The Committee concludes that the situation in Norway is in conformity with Article 6§3 of the Charter.

## **Article 6 - Right to bargain collectively**

### *Paragraph 4 - Collective action*

The Committee takes note of the information contained in the report submitted by Norway.

The Committee examined the situation with respect to collective action (definition, permitted objectives, entitlement; consequences) in its previous conclusions and found the situation to be in conformity with the Charter.

### ***Specific restrictions to the right to strike and procedural requirements***

The Committee previously concluded that the situation in Norway was not in conformity with Article 6§4 of the Charter on the ground that legislation was enacted during the reference period in order to terminate collective action in circumstances which do not comply with the conditions established by Article G of the Charter (Conclusions 2014). It recalls that the use of compulsory arbitration to terminate a strike is contrary to the Charter except in the cases established by Article G (any restrictions or limitations can only be those which are "prescribed by law and are necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health or morals") (Conclusions XIV-1). The Committee emphasises that the authorities must demonstrate that these conditions are satisfied for each case and it reserves the right to verify whether in its opinion the conditions of Article 31 are fulfilled (Conclusions XI-1, p. 89).

During the reference period legislative intervention has been used on four occasions to terminate a strike. According to the report all of the interventions were implemented to safeguard the general public's life and health, or critical community functions.

In 2013, the Government intervened to end a dispute in the energy sector recommending the use of compulsory arbitration 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*). The Government maintains that this conflict posed a threat to the maintenance of 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 was enacted in 19 September 2014 terminating a strike by laundry workers. This dispute affected laundries responsible for supplying certain hospitals with work clothes and bedding. The Government maintains that this strikes could have posed a threat for patient safety, and could thus be a threat to life and public health.

Temporary legislation of was enacted in 2016 seeking to terminate a strike between the Norwegian Airline Pilots Association and the Federation of Norwegian Aviation Industries. The dispute related to pilots who were employed in a company engaged in air ambulance services. According to the Government a strike among these pilots had the consequences that ambulance aircraft would be grounded. Therefore, the dispute posed a threat to life and public health.

Legislation was also enacted to terminated a strike in the health sector between the Federation of Norwegian Professional Associations and the Employers' Association *Spekter* in connection with the 2016 wage settlement). 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 adequate emergency medical services. The Government argues that a continued strike would therefore have constituted a hazard to life and public health

However the Committee recalls that in Conclusions 2004 it decided to no longer consider as part of the reporting procedure the situations in which compulsory arbitration has been

imposed by Parliament to end a strike in the sectors which are prima facie covered by Article G. In light of the limited amount of information available to the Committee it considers that the situations could be covered by Article G. It further considers that these types of cases are better dealt with under the collective complaints procedure which has been accepted by Norway.

*Conclusion*

The Committee concludes that the situation in Norway is in conformity with Article 6§4 of the Charter.

## **Article 21 - Right of workers to be informed and consulted**

The Committee takes note of the information contained in the report submitted by Norway.

### ***Legal framework and Scope***

It previously concluded that the situation in Norway is not in conformity with Article 21 of the Charter on the ground that it had not been established that all categories of workers enjoy the right to information and consultation.

Concerning the scope of the right, the report states that enterprises with less than 50 employees are excluded. When determining how many people are employed in the enterprise, all employees must be included in the count. If the enterprise regularly has a certain number of temporary employees or substitutes, they must also be included in the count with the exception that if extra labour is only needed for a certain period of time, these employees will not necessarily be included in the count. In an enterprise with more than 50 employees all employees have the same rights to information, consultation and representation, regardless of their type of employment or contract that governs the employment relationship.

The Committee recalls that the exclusion of undertakings with less than 50 employees from the scope of this right is in conformity with this provision (Conclusions XIX-3 (2010), Croatia). It therefore concludes that the situation in Norway is in conformity with Article 21 of the Charter.

### ***Remedies***

The Committee wished to be informed on whether other remedies are available if disputes may not be brought before the Labour Court. It notes that issues regarding interpretation of collective agreements can also be brought before other dispute resolution bodies if incorporated in the agreement. If a disagreement concerning the agreement could impact 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.

### ***Conclusion***

The Committee concludes that the situation in Norway is in conformity with Article 21 of the Charter.

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

The Committee takes note of the information contained in the report submitted by Norway.

The Committee notes that there have been no changes in the situation which it previously concluded to be in conformity with Article 22 of the Charter.

Regarding the question whether workers have legal remedies when their rights are not respected the report states that it is possible to take a case concerning a violation of the Working Environment Act's (*WEA*) rules on co-determination to court. In principle it is possible for the employees to bring a case to court, provided that the general requirements for taking legal action are met (cf. specifically the Dispute Act Section § 1-3, concerning cause of action and the parties connection to the case).

### *Conclusion*

The Committee concludes that the situation in Norway is in conformity with Article 22 of the Charter.

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

The Committee takes note of the information contained in the report submitted by Norway.

### ***Protection granted to workers' representatives***

In its previous conclusion (Conclusions 2016), the Committee concluded that the situation was not in conformity with Article 28 of the Charter on the ground that there was no protection afforded to workers' representatives after the end of their mandate.

The report states that Chapter 15 of the Working Environment Act, which provides protection from unfair dismissals, also applies to workers' representatives. It also indicates that under the new Ship Labour Act (outside the reference period), the protection against unfair dismissals, pursuant to Article 5-6, applies to workers' representatives as well. As regards the new Ship Labour Act, it does not establish the right of workers' representatives to facilities, an issue regulated by collective agreements that regulate the employer's obligations concerning the training of workers' representatives, their expenses and the time required for them to perform their duties.

In reply to the Committee's previous conclusion of non-conformity (Conclusions 2016), the report indicates that general rules of protection from dismissal, established by Article 15-7 and Article 15-14 of the Working Environment Act, also apply in case of dismissal of a shop steward. In case of such dismissal, the court will assess whether the dismissal is objectively justified. The same assessment of the court takes place also when the dismissal occurs after the end of the employee's duties as a shop steward, while the employer may argue that the actions of the employee during the period that he/she was a shop steward provide grounds for dismissal. In addition, pursuant to Article 5-11 Basic Agreements (LO and NHO 2014-2017), a shop steward may not be given notice to leave or be summarily dismissed without just cause and in this case due regard shall be given to the special position the shop steward has in the enterprise. Most of the shop stewards' rights, pursuant to the Basic Agreement, are afforded during their mandate. However, the requirement of the "just cause" in case of dismissal always applies. In case of dismissal of an employee who was previously a shop steward, the court takes this into account when assessing if the dismissal meets the requirement "just cause". The Committee assessed the information contained in the report in its previous conclusion (Conclusions 2016) and notes that there are no changes as regards the protection of workers' representatives for a period after their mandate. It, therefore, reiterates its previous conclusion.

### ***Facilities granted to workers' representatives***

In its previous conclusion (Conclusions 2014), the Committee asked the next report to indicate whether the facilities granted to workers' representatives include travel expenses. In reply, the report indicates that in most cases collective agreements regulate which travel costs are borne by the employer and how they are calculated. It also states that in case the workers' representative travels in order to maintain contact with workers in different parts of the enterprise, the travel expenses are borne by the enterprise.

### ***Conclusion***

The Committee concludes that the situation in Norway is not in conformity with Article 28 of the Charter on the ground that there is no protection afforded to workers' representatives after the end of their mandate.