



International  
Labour  
Office



**Consolidated Report on the application of ILO  
Conventions Nos 12, 42, 102, 128, 130, 168, 183 & the  
European Code of Social Security ratified by**

# Norway

June 2023

**Norwegian Production Team**

- The Norwegian Ministry of Labour and Social Inclusion
- The Norwegian Ministry of Children and Families
- The Norwegian Ministry of Health and Care Services

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- [Workmen's Compensation \(Agriculture\) Convention, 1921 \(Nº 12\)](#)
  - [Workmen's Compensation \(Occupational Diseases\) Convention \(Revised\), 1934 \(Nº42\)](#)
  - [Social Security \(Minimum Standards\) Convention, 1952 \(Nº102\)](#)
  - [Invalidity, Old-Age and Survivors' Benefits Convention, 1967 \(Nº128\)](#)
  - [Medical Care and Sickness Benefits Convention, 1969 \(Nº130\)](#)
  - [Employment Promotion and Protection against Unemployment Convention, 1988 \(Nº168\)](#)
  - [Maternity Protection Convention, 2000 \(Nº 183\)](#)
  - [European Code of Social Security](#)

- Please enter any modifications or new information using TRACK CHANGES function in MICROSOFT WORD.
- Where the text of the corresponding provisions of the ECSS and C102 has the same wording, the wording of C102 is taken as the basis, with eventual changes in the ECSS reproduced in brackets.
- Replies to pending questions raised by the CEACR may be provided in a box below the CEACR comments.
- In accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization, the report has been forwarded to the social partners represented in the Norwegian tripartite ILO Committee. We have not received any comments to the report.

All Norwegian legislation is available, free of charge, at the Lovdata website: <http://www.lovdata.no/>

The legislation pertaining to social insurance, as well as the relevant international social security coordination instruments (including bilateral social security agreements) ratified by Norway, may also be found at the Norwegian Labour and Welfare Administration's website: <http://www.nav.no/>

## Part I. General provisions

The Part I "General provisions" comprises the following explanatory and procedural clauses:

- **Articles 1-6 C102**
- **Articles 1-6 ECSS**

### **Article 5. ECSS**

*Where, for the purpose of compliance with any of the Parts II to X of this Code which are to be covered by its ratification, a Contracting Party is required to protect prescribed classes of persons constituting not less than a specified percentage of employees or residents, that Contracting Party shall satisfy itself, before undertaking to comply with such part, that the relevant percentage is attained.*

The National Insurance Scheme is residence-based, as a general rule covering all legal residents in Norway.

### Eligibility to invalidity benefits

All legal residents, between the ages of 18 and 67, who become disabled and who have been insured at least five years<sup>1</sup> prior to the onset of the disability, are eligible for Disability Benefit. Persons with previous income from employment is guaranteed 66 per cent of their previous income, provided that they have been insured for at least 40 years. (Income exceeding 6 times the Basic amount<sup>2</sup> (B.a.) is not taken into account.)

Persons without previous income or with a low previous income are guaranteed a yearly minimum benefit through the residence-based coverage. The yearly minimum is 2.28 B.a. for persons living with a spouse/cohabitant, but 2.33 B.a. if the person prior to 31 December 2014 received a disability pension. For others, the yearly minimum is 2.48 B.a..

Insured persons who were born disabled or who became disabled before attaining the age of 26, are entitled to a higher yearly minimum benefit. The requirements of sickness and documentation are stricter than the requirements that apply for the general determination of disability. The yearly minimum is 2.66 B.a. for persons living with a spouse/cohabitant, and 2.91 B.a. for others.

About 75 per cent of the recipients of disability benefits are entitled to a benefit higher<sup>3</sup> than the minimum benefits (2.28–2.48 B.a.).

### Eligibility to old age pensions

The income based old age pension is earned of all income (up to a ceiling of 7.1 B.a.). Therefore, all employees are covered: (a)/(b) = (2 762 175 / 2 762 175) = 100 %.

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<sup>1</sup> Changed from three years to five years, with effect from 1 January 2021.

<sup>2</sup> The Basic amount (B.a.) of the National Insurance Scheme is adjusted annually by the King, with effect from 1 May, in accordance with the increase in wages. The B.a. per 1 May 2023 is NOK 118 620.

<sup>3</sup> Before adjusting the benefit for degree of disability and length of insurance period.

However, through the residence-based coverage, all legal residents with at least five years of coverage are, when they attain the age of 67, secured a (proportional) minimum pension, irrespective of previous income.

Legal residents who have attained the age of 67, but who do not have five years of coverage, may be eligible for Supplementary Allowance (a scheme outside the scope of National Insurance Scheme), which grants benefits on a similar level as the minimum pension.

#### Eligibility to Cash Benefits due to Sickness

For eligibility to Cash Benefits due to Sickness from the National Insurance Scheme, the insured person must have a weekly income which after conversion to an annual income (weekly income x 52) constitutes at least 0.5 B.a. (as per 1 May 2023: 59 310 NOK). This means that in order to be eligible for sickness benefits, there is no requirement to have actually earned 0.5 B.a.

For eligibility to Cash Benefits due to Sickness from the National Insurance Scheme, the insured person must also have been in employment for at least four weeks immediately prior to the case of sickness. In 2021,<sup>4</sup> there were, 2 705 628 persons in Norway who had income from employment at least equal to 50 per cent of the average B.a.

In 2022, there were 2 818 175 employed persons in Norway between the ages of 15 and 74, according to Statistics Norway:

<https://www.ssb.no/arbeid-og-lonn/statistikker/regsys/aar>

Numbers from the work capacity statistics are of course not fully comparable to income statistics, as the age intervals are different. In addition, income statistics are limited to residents, while work capacity statistics are not.

However, the numbers given above suggest that in practice, more or less all employed persons are covered by the sickness benefit scheme.

We also draw your attention to the fact that all apprentices are covered by the sickness benefit scheme, as apprentices' annual income always exceeds 0.5 B.a.

#### Eligibility to Unemployment Benefit

All employees (wage earners) in Norway are insured under the National Insurance Scheme, and as such automatically covered by the Unemployment Benefits Scheme if they meet the general conditions of the scheme, including the condition of having had income from work of at least 1.5 B.a. the last 12 calendar months prior to the application date, or 3 B.a. the preceding 36 calendar months. Daily cash benefits in case of sickness granted for maternity related illnesses, pregnancy benefits and parental benefits are considered as equal to income from work in this respect.

Generally, 3 056 949 people had a positive salary income in 2021. Of these, 2 950 789 were under 67 years (b). In total, 2 500 298 employees under 67 years (a) had an income from work of 1.5 B.a. or more during the last 12 calendar months before the

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<sup>4</sup> 2021 is the latest year for which statistics are available.

application date or an income from work of 3 B.a. or more during the last 36 calendar months before the application date.

Hence, the percentage of employed persons being covered by Unemployment Benefit is not fully representative and correct, but it gives an indication of coverage:  $(a)/(b) = (2\,500\,298 / 2\,950\,789) = 84.7 \%$

- *Articles 1-6 C128*
- *Articles 1-6 C130*

## Part II. Medical Care

**Norway has accepted the obligations resulting from Part II of the ECSS, Part II of C102 and Part II of C130.**

### List of applicable legislation

- Act relating to Patients' and Users' Rights of 2 July 1999 (pasient- og brukerrettighetsloven), with later amendments
- Specialist Health Care Act (spesialisthelsetjenesteloven) of 2 July 1999, with later amendments
- Act on Mental Health Care (psykisk helsevernloven) of 2 July 1999, with later amendments
- Act on Municipal Health Care (lov om kommunale helse- og omsorgstjenester) of 24 June 2011, with later amendments
- Act on Dental Health Care (tannhelsetjenesteloven) of 3 June 1983, with later amendments
- National Insurance Act (folketrygdloven) of 28 February 1997, with later amendments

### II – 1. Regulatory framework

#### **Article 7. C102 and ECSS**

*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of benefit in respect of a condition requiring medical care of a preventive or curative nature in accordance with the following Articles of this Part.*

#### **Article 8. C130**

*Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of medical care of a curative or preventive nature in respect of the contingency referred to in subparagraph (a) of Article 7.*

Pregnant women are screened for HIV and syphilis and ultrasound is used to establish the estimated date of delivery, the number of babies, etc. Furthermore, newborn babies are screened to detect rare congenital diseases.

The school health service also conducts health interview surveys and immunisation programmes in primary and secondary schools.

According to regulations, the school health services shall offer services to children and young people from 6 up to 20 years of age. Normally there is a physician connected to the school health services. All maternal and child health centres and school health services shall, if necessary, cooperate with the patient's/children's regular GPs ("fastleger").

In Norway, there are two national cancer screening programmes: (i) screening for breast cancer with mammography for all women between the ages of 50–69, every two years, and (ii) screening for cervical cancer for all women between the ages 25–69, every three years.

Figures from the National Vaccination Register show high vaccination coverage against infectious diseases in the Norwegian childhood vaccination programme. According to data from 2021, 97 per cent of 2-year-old infants were vaccinated against Haemophilus influenza type B and 97 per cent against diphtheria, tetanus, pertussis and polio. The vaccination coverage against measles, mumps and rubella (MMR-vaccine) for 2-year-olds was 97 per cent. Among 16-year-old adolescents, 94 per cent have been vaccinated against diphtheria and tetanus and 95 per cent against measles, mumps, rubella and polio.

Vaccination against tuberculosis is only recommended to risk groups. The HPV vaccine was introduced in the vaccination programme in 2009 and is offered to all 12-year-old girls. The vaccination coverage for HPV for 16 year old girls is 92 per cent.

Protecting the population against communicable diseases and preventing the spread of diseases in the population plays a central role in infection control efforts. This is achieved and followed up by means of national strategies and plans. In addition, the Communicable Disease Control Act ensures that the authorities put into effect the measures necessary to prevent the spread of infection and to coordinate their activities while ensuring that the protection accorded by law to the individual is maintained.

## II - 2. Contingencies covered

### **Article 8. C102 and ECSS**

*The contingencies covered shall include any morbid condition, whatever its cause, and pregnancy and confinement and their consequences.*

### **Article 1 (j). C130**

*The term "sickness" means any morbid condition, whatever its cause.*

### **Article 7. C130**

*The contingencies covered shall include:*

*(a) need for medical care of a curative nature and, under prescribed conditions, need for medical care of a preventive nature.*

The contingencies covered include medical care of a curative nature for any morbid condition, whatever its cause, and pregnancy and confinement and their consequences, as well as, under prescribed conditions, medical care of a preventive nature.

In Norway, provision of the types of medical care listed in Article 10(1) of C102/ECSS and Article 13 of C130 may not be limited in cases where the morbid condition is due to such causes as suicide attempts, actions caused by the abuse of alcohol or drugs, participation in a fight, etc.

### **(a)**

As regards the provision in Article 13 (a) of C130, the medical care of a preventive nature provided by a regular GP ("*fastlege*") in Norway is normally closely integrated in the curative work on a daily basis. Among other things, the GPs get paid by the National Insurance Scheme according to a fixed fee per patient for each consultation (maximum 3 times per year) for motivating persons who suffer from high blood pressure, diabetes type 2 and/or obesity to change their lifestyle. This is an incentive for the GPs to design an individually adapted arrangement for each patient as regards nutrition and/or physical activity, instead of prescribing pharmaceuticals. The GPs also get paid according to a fixed fee per patient (maximum twice a year) for motivating persons to stop smoking cigarettes as part of the treatment of diseases. As mentioned under II-1 Regulatory framework, the GPs are often cooperating with personnel at the child health centres and school health services as regards medical care of a preventive nature.

During the covid-19 pandemic situation, the national insurance scheme has been temporarily changed to provide the GPs with incentives for identifying vulnerable patients.



GPs are now being reimbursed for doing risk assessment of their patient population to identify patients who have not seen their GP as expected. The GPs are also now being asked to proactively offer these patients GP services as needed.

#### **(b), (c) and (d)**

Inpatient specialized care is mainly provided by the hospital trusts owned by the regional health authorities (RHAs). The RHAs are owned and funded by the Norwegian state. Inpatient specialized care is also provided by a few privately owned non-commercial and commercial hospitals under contracts with the RHAs. Hospitals also provide outpatient specialist care in their outpatient departments.

There are outpatient departments for somatic care, mental health care, and substance abuse and addiction treatment. These departments also provide laboratory and radiology services. Outpatient specialist care is also provided by self-employed privately practising specialists (e.g. obstetricians, specialists in internal medicine, etc.), mostly working in their own practices under a contractual agreement with one of the RHAs. As regards pharmaceuticals and technical aids, there is a national reimbursement scheme that covers most pharmaceuticals and technical aids in the outpatient sector.

#### **(e)**

As regards the provision in Article 13 (e), the county authorities in Norway are responsible for providing dental health care to children and youth up to the age of 24, persons with intellectual disabilities and groups of elderly and disabled persons who receive care in health institutions or health services at home. According to the Act on Dental Health Care, dental care of a preventive nature is an important task for the county authorities. The responsibility includes organizing preventive actions towards the population as a whole, as well as providing regularly and outreaching dental services towards the groups of persons as mentioned initially. In addition, dentists get paid according to a fixed rate by the National Insurance Scheme for providing dental care of a preventive nature in cases of rare diseases, in cases where it is necessary to prevent infections in connection with special medical conditions and in cases where the patient due to illness has strongly reduced ability to take care of the dental health him- or herself.

#### **(f)**

As regards the provision in Article 13 (f), an insured person whose ability to function in everyday life is considerably and permanently reduced due to illness, injury or defect, is granted benefits in connection with measures necessary in order to improve his or her everyday life-function. This includes, but is not limited to, orthopaedic aids, prosthesis, wigs etc.

### **II - 3. Persons protected**

#### **Article 9. C102 and ECSS**

*The persons protected shall comprise:*

*(a) prescribed classes of employees, constituting not less than 50 per cent of all employees, and also their wives and children; or*

*(b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents, and also their wives and children; or*

(c) prescribed classes of residents, constituting not less than 50 per cent of all residents.

**Article 10. C130**

The persons protected in respect of the contingency referred to in subparagraph (a) of Article 7 shall comprise:  
(a) all employees, including apprentices, and the wives and children of such employees; or  
(b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population, and the wives and children of persons in the said classes; or  
(c) prescribed classes of residents constituting not less than 75 per cent of all residents.

**Article 1(b). C102, Article 1(e). ECSS, Article 1(d). C130**

The term "residence" means ordinary residence in the territory of the Member [Contracting Party concerned -ECSS] and the term "resident" means a person ordinarily resident in the territory of the Member [Contracting Party concerned-ECSS].

**Article 12. C130**

Persons who are in receipt of a social security benefit for invalidity, old age, death of the breadwinner or unemployment, and, where appropriate, the wives and children of such persons, shall continue to be protected, under prescribed conditions, in respect of the contingency referred to in subparagraph (a) of Article 7.

The insurance scheme is administered by public authorities, and as a general rule, every person legally resident in the Realm is protected. Reference is made to the explanations concerning the personal scope of the Scheme, given under Part XII of this report.

- A. Recourse is had to the Article 9(c) of C102 and the Article 10 (c) of C130.
- B. As a main rule, every person resident in the Realm is protected, with the exception of embassy personnel and other posted workers, who remain covered under the national insurance schemes of the posting state. On the other hand, as shown under Part XII of this report, persons who are working in Norway, but not residing in Norway will also be insured.

Norway has no register covering the persons insured under the National Insurance Scheme. However, as shown in the preceding paragraph, the number of insured persons will be approximately equal to the number of residents (residents plus non-resident workers, minus foreign workers posted to Norway, who are exempted from coverage through bilateral or multilateral instruments for social security coordination).

Number of persons protected (approximately equal to the total number of residents) is 5 425 270.

- C. The number of persons insured is thus approximately 100 per cent of the number of residents.

**C(a) (i) Number of protected residents:**

Year	Number of residents
2011	4 920 305
2012	4 985 870
2013	5 051 275
2014	5 109 056
2015	5 165 802
2016	5 213 985

2017	5 258 317
2018	5 295 619
2019	5 328 212
2020	5 367 580
2021	5 425 270
2022	5 488 984

C(b) The persons registered as resident in Norway – the number of residents on 1 January of each respective year:

Year	Number of residents
2011	4 920 305
2012	4 985 870
2013	5 051 275
2014	5 109 056
2015	5 165 802
2016	5 213 985
2017	5 258 317
2018	5 295 619
2019	5 328 212
2020	5 367 580
2021	5 425 270
2022	5 488 984

**(a/b) x 100 = 100 per cent**

The statistical data concerning the number of residents in Norway, used under paragraph C, have been issued by Statistics Norway.

<https://www.ssb.no/befolkning/statistikker/folkemengde/aar-per-1-januar>

## II - 4. Types of Benefit

### **§1. Article 10. C102 and ECSS**

*The benefit shall include at least:*

*(a) in case of a morbid condition,*

*(i) general practitioner care, including domiciliary visiting;*

*(ii) specialist care at hospitals for in patients and out patients, and such specialist care as may be available outside hospitals;*

*(iii) the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and*

*(iv) hospitalisation where necessary; and*

*(b) in case of pregnancy and confinement and their consequences,*

*(i) pre natal, confinement and post natal care either by medical practitioners or by qualified midwives;*

*(ii) hospitalisation where necessary.*

### **Article 13. C130**

*The medical care referred to in Article 8 shall comprise at least:*

*(a) general practitioner care, including domiciliary visiting;*

*(b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;*

*(c) the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners;*  
*(d) hospitalisation where necessary;*  
*(e) dental care, as prescribed; and*  
*(f) medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopaedic appliances, as prescribed.*

#### General practitioner care

As regards Article 10 (a)(i) in C102 and ESS and Article 13(a) in C130, persons who are registered in the National Registry ("folkeregisteret") as resident in a Norwegian municipality ("kommune"), have the right to be listed with a regular GP. The GP is imposed a duty to provide domiciliary visits on more detailed terms. The GPs are paid according to fixed rates by the National Insurance Scheme, for providing medical examinations and treatment, medical care of a preventive nature, domiciliary visits, requiring samples and x-rays etc.

#### Specialist health care service

Patients have a statutory right to "necessary health care" from the specialist health service. This gives entitlement to health care of a reasonable standard based on an individual evaluation of the patients' medical needs. Specialist health service covers the health services which are not provided by the municipal health service.

In order to reduce the waiting time for patients and in order to prioritize treatment and prevention regarding mental health and substance abuse and addiction treatment, the group of professions who may write referrals, was expanded in 2015. GPs (including prison GPs), psychologists, the municipal child care service and the social service may refer patients to substance abuse and addiction treatment, as well as other professions within the specialised health care service.

#### Dental care

As regards Article 13(a) in C130, the county authorities are responsible for providing dental care to certain groups of the population. In addition, patients with some medical conditions have the right to partial refund of the costs of dental care provided by private dentists and dental hygienists from the National Insurance Scheme.

#### Rehabilitation services

Rehabilitation is provided at both the primary level (physiotherapy, occupational therapy, etc.) and secondary level (specialized rehabilitation). As in other countries, Norway has in the last two decades also developed some intermediate rehabilitation services based on shared care between specialized and primary health care.

Primary care rehabilitation is provided in the community – in patients' homes, schools and institutions run by the municipalities (e.g. nursing homes). Services are provided by medical doctors, physiotherapists, nurses and midwives. Primary care rehabilitation is available for somatic as well as for psychiatric patients, and can be accessed through a referral from a primary care physician. Secondary care rehabilitation services are provided in hospitals – in dedicated rehabilitation departments or other units, such as

rheumatological or neurological departments. Rehabilitation, especially postoperative rehabilitation, may also be provided in private rehabilitation institutions contracted by the RHAs. This is free of charge if the patient is referred by a GP or a hospital.

In 2017<sup>5</sup>, nearly 28 000 patients received rehabilitation care in hospitals (almost 50 per cent as outpatients or day-care patients). Around 27 000 patients received treatment in private institutions in 2017. Median waiting time was 49 days in 2018. The waiting time has remained stable for the last three years. Rehabilitation services for patients with specific conditions are also available in specialist hospitals (children's hospitals treating pulmonary conditions, asthma and allergy) and competence centres (e.g. competence centres on rare diseases). Approximately 1 500 units in municipal health and care services are earmarked for rehabilitation. These units were during 2018 used by 16 130 patients.

Both municipalities and RHAs are responsible for the coordination of rehabilitation services. By 2018, all RHAs and 95 per cent of all municipalities have established a "coordination unit". The unit facilitates cooperation between health-care providers, the Labour and Welfare Service and user organizations. Coordination activities include the registration of rehabilitation needs; designing and following individual holistic rehabilitation plans (ensuring interdisciplinary approaches) and initiating, administrating and monitoring interdisciplinary rehabilitation groups, which constitute the core of cooperation between different service providers.

#### Prosthesis, spectacles, hearing-aids

Technical assistive aids are provided by Assistive Technology Centres ("*NAV hjelpemiddelsentraler*") under the Labour and Welfare Administration ("*Arbeids- og velferdsetaten*"). There are twelve centres throughout the country. Durable assistive aids and technology are considered property of the National Insurance Scheme, and must be handed in after use.

Aids related to medical treatment are provided by the RHAs.

The Assistive Technology Centres of the Labour and Welfare Service ("*Hjelpemiddelsentralen*") has an overall and coordinating responsibility for disability assistance in their respective counties. The centres are resource and competence centres for solving disabled people's problems with regards to for example supply, maintenance and renewal of orthopaedic appliances.

Effective procurement, good product flow and reuse of aids are key words for the Assistive Technology Centres in Norway.

#### Pharmaceuticals

All pharmaceuticals, medical devices and technical aid that can be defined as essential or necessary are reimbursed in the outpatient sector.

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<sup>5</sup> 2017-2018 is the latest year for which statistics are available.

### Medical care in case of pregnancy and confinement and their consequences

The municipality health and care services are responsible for health care to all inhabitants. This includes care during pregnancy and for follow-up after the discharge from the delivery unit. The local authorities are also obliged to organize mother and child health centres, where most municipal midwives work, and to organize a regular general practitioner (GP) scheme. Both midwives and GPs may give prenatal care. (Pregnant women with risk pregnancies are followed up by the specialist health services).

The specialist health services are responsible for the first days of confinement and have to make sure that there is organized postnatal care in the municipalities before the woman and the child are discharged from the delivery unit (or hospital).

## **II - 5. Cost-sharing**

### **§2. Article 10. C102 and ECSS**

*The beneficiary or his breadwinner may be required to share in the cost of the medical care the beneficiary receives in respect of a morbid condition; the rules concerning such cost-sharing shall be so designed as to avoid hardship.*

### **Article 17. C130**

*Where the legislation of a Member requires the beneficiary or his breadwinner to share in the cost of the medical care referred to in Article 8, the rules concerning such cost sharing shall be so designed as to avoid hardship and not to prejudice the effectiveness of medical and social protection.*

### **Paragraph 1.a (i) and (ii) and 2 of the Article 10 of C102 and ECSS, subparagraph a, b of the Article 13 of C130:**

- *general practitioner care, including domiciliary visiting;*
- *specialist care at hospitals for in patients and out patients, and such specialist care as may be available outside hospitals;*

According to the Act on Municipal Health Care, the municipal authorities shall provide necessary primary health care to all persons residing or staying in the municipality. Some of the services for which the municipal authorities are responsible, are listed in Section 3-2 of the Act, but the list is not exhaustive.

The health services are financed partly through state block grants, reimbursements from the National Insurance Scheme, mainly according to fixed rates, and patient cost-sharing charges.

The reimbursement scheme laid down in the National Insurance Act includes costs of private providers who have an agreement with the municipality, such as regular GPs, physiotherapists and midwives. This is for instance regular GPs, physiotherapists and midwives, whose services contribute in fulfilling the responsibility of the municipal authorities, under the Act on Municipal Health Care.

The reimbursement scheme also covers other private providers who fall outside the responsibility of the municipal authorities, such as medical specialists outside hospitals, laboratories and radiology departments, dental care, psychologists, chiropractors, speech therapists and audiologists. In addition, the reimbursement scheme includes costs related to birth outside health institutions and pharmaceutical supplies given outside hospitals. The cost-sharing rates are adjusted annually. From 1 July 2021, the cost-sharing rates are as follows:

Consultation	Expenses covered by the patient
Consultation by a GP – with evening, night or weekend surcharge	NOK 175 NOK 328
Home visit by a GP – with evening, night or weekend surcharge	NOK 467 NOK 687
Consultation and home visit by a specialist	NOK 283/456

There are several exemptions from cost-sharing. Children under the age of 16 are completely exempted from cost-sharing for the health services covered by cost-sharing ceiling. Children under age of 16 are exempted from cost-sharing for physiotherapy, children under the age of 18 are exempted from cost-sharing for psychotherapy. Up to and including the year in which the person concerned attains the age of 18, all necessary dental care provided by dentists at the county authorities is free, except orthodontic treatment. Youth aged 19–24 pay 25 per cent of costs for dental care provided by such dentists.

*Other measures taken to avoid inflicting hardship in connection with cost-sharing:*

There is a cost-sharing ceiling which relates to expenses for treatment by physicians and psychologists, important drugs and transportation expenses related to examination and treatment, physical therapy, some forms of dental treatment that is subject to reimbursement and accommodation fees at rehabilitation centres and treatment abroad. After the ceiling has been reached, a card is issued giving entitlement to free treatment and benefits as mentioned, for the rest of the calendar year.

The ceiling is set by the Parliament on a yearly basis. For 2023, the cost-sharing ceiling is set at NOK 3 040.

**Paragraph 1.a (iii) of Article 10 of C102 and ECSS, subparagraph c of Article 13 of C130:**

- *the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners*

Cost-sharing for important medicines is calculated as a percentage of the expenses: 50 per cent of each prescription. The maximum cost-sharing amount for each prescription is presently set to NOK 520.

For children under the age of 16, all important prescribed medicines are free.

There are several exemptions from cost-sharing, in addition to children under the age of 16 as already mentioned.

Persons who have attained the age of 67 and who are drawing full old-age pensions, are exempted from cost-sharing for important medicinal products, provided that the pension does not exceed the level of the minimum old-age pension. In addition, old-age pensioners, disability pensioners and persons receiving pensions from the collectively bargained AFP scheme, who receive special supplement from the National Insurance Scheme, are exempted from cost-sharing.

**Paragraph 1.a (iv) of Article 10 of C102 and ECSS, subparagraph d of Article 13 of C130:**

- *hospitalisation where necessary*

All insured persons are granted free accommodation and treatment, including medicines, in hospitals. This follows from the provisions of the Act on Specialist Health Care and the Act on Mental Health Care. In the case of treatment given outside hospitals, the provisions of the Act on Municipal Health Care and the National Insurance Act apply.

According to the Act on Municipal Health Care, the municipal authorities shall provide necessary primary health care to all persons resident or staying within the municipality. Some of the services imposed are listed in the Act, but the list is not exhaustive.

The services are financed partly through state block grants ("*rammetilskudd*"), reimbursement from the National Insurance Scheme, mainly according to fixed rates, and patient cost-sharing charges.

The reimbursement scheme laid down in the National Insurance Act includes costs of mainly private providers who have an agreement with the municipality such as regular GPs, physiotherapists and midwives. The reimbursement scheme also covers other private providers who fall outside the responsibility of the municipal authorities, such as medical specialists outside hospitals, laboratories and radiology departments, dental care, psychologists, chiropractors, speech therapists and audiologists. In addition, the reimbursement scheme includes costs related to birth outside health institutions and pharmaceutical supplies given outside hospitals.



### **Subparagraph (e) of the Article 13 of C130:**

- *dental care, as prescribed*

Up to and including the year in which the person concerned attains the age of 18, all necessary dental care provided by dentists at the county authorities is free, except orthodontic treatment. Costs related to orthodontic treatment are reimbursed according to fixed rates by the National Insurance Scheme. Youth aged 19–24 pay 25 per cent of costs for dental care provided by dentists at the county authorities.

Generally adults cover their dental expenses, but specific treatment of dental diseases and necessary operations performed by private dentists are covered according to fixed rates by the National Insurance Scheme. This principle also applies to orthodontic treatment not only for children and youth, but for all age groups. The size of the fixed rates for dental care can vary a lot, dependant of the illness, relevant procedure, time spent etc.

### **Subparagraph (f) of the Article 13 of C130**

- *medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopaedic appliances, as prescribed*

For persons with lasting health issues, assistive technology is covered by the National Insurance Scheme. In general, there are no cost-sharing on assistive technology such as wheelchairs, crutches and so on.

Orthopaedic aids are also covered by the National Insurance Scheme. For some specific orthopaedic aids, there are fixed rates, and some cost-sharing may apply. The orthopaedic aids need to reach a minimum cost in order to be reimbursed. For instance, orthopaedic footwear is given if the price exceeds NOK 665 for adults and NOK 405 for children. Compensation for wigs is limited to NOK 5 725 per year, with some exceptions.

The main purpose of the Norwegian cost-sharing arrangements is to protect each individual insured under the National Insurance Scheme from large expenses related to health care. This implies that a beneficiary of a breadwinner is not automatically included in a cost-sharing arrangement together with the breadwinner, but may benefit from the cost-sharing arrangements only if the beneficiary concerned meets the conditions as laid down for each arrangement.

## **II - 6. Objectives of Medical Care**

### ***§3. Article 10. C102 and ECSS, Article 9. C130***

*The benefit provided in accordance with this Article [the medical care referred to in Article 8-C130] shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.*

[\*Official website of the European Social Charter, link to conclusions\*](#)

***Article 11 - Right to protection of health. The European Social Charter. Conclusions 2013.***

**Paragraph 1 - Removal of the causes of ill-health. Right of access to health care**

The report refers to information submitted in previous reports on the right to access to health care. The main piece of legislation is the Patients' Rights Act of 2 July 1999 No. 36 (called the Patient's and User's Rights Act as of 1 January 2012), which contributes to securing equal access to good quality health care for patients. It is complemented by other legal Acts in the field of health care (Health Personnel Act, the Specialised Health Services Act, the Municipal Health and Care Services Act and the Mental Health Protection Act).

In its previous conclusion the Committee noted that the Government had decided to initiate a strategy to reduce social inequalities in health, and asked to be kept informed on its implementation (Conclusions 2009). The report confirms that the strategy was launched in 2007. It is a broad, long-term strategy to level out the social inequalities in health, and includes actions in key areas such as:

(i) children – ensuring that all children have equal opportunities regardless of their parents' financial situation, education, ethnic identity and geographical identity.

(ii) working life – investments to promote a more inclusive labour market and steps to ensure a healthier working environment for all.

(iii) health services – investigation is taking place on the question of whether Norwegian health services are helping to level out health inequalities or if they are reinforcing them.

(iv) preventing social exclusion of marginalized groups, measures to promote inclusion in the workplace, inclusion at school and adapted health and social services.

(v) strengthening considerations for health and distribution of health in all sectors – including a review and reporting system for monitoring progress, cross-sectoral tools such as health impact assessments and more systematic policy planning in the municipalities.

The Committee refers to its previous conclusion for the regulations and practice in respect of waiting time for hospital treatment (Conclusions 2009). As regards the average waiting time for commencement of treatment for all patients, the report indicates that in the first four months of 2012 it was 74 days, a decrease of three days compared to the first four months of 2010. This applies to both patients who have the right to basic health assistance as well as those who require health assistance in a specialist healthcare service.

In the last examination the Committee adopted a general question addressed to all States on the availability of rehabilitation facilities for drug addicts, and the range of facilities and treatments. In response, the report indicates the regional health authorities are responsible for substance abuse treatment – interdisciplinary specialist treatment. This includes detoxification, emergency treatment, screening and specialist treatment (outpatient clinic or institution), institutional placement where the substance abuser can be detained without consent (coercion) and opioid replacement therapy. Whilst there are still challenges concerning waiting times for treatment, statistics show a positive trend. There has been a growth in interdisciplinary specialist treatment at all levels, and in the period April 2011 to April 2012 the average waiting time fell from 74 to 60 days.

**Conclusion**

The Committee concludes that the situation in Norway is in conformity with Article 11§1 of the Charter.

After a decline in the average waiting times for specialised treatment between 2012 and 2017, there has been an increase during the last few years. The yearly average was 74 days in 2012, 57 days in 2017, 60 days in 2019 while the yearly average in 2022 was 66 days.

**II - 7. Promotion of the general health service**

**§4. Article 10. C102 and ECSS**

*The institutions or Government departments administering the benefit shall, by such means as may be deemed appropriate, encourage the persons protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.*

A public on-line health portal [www.helsenorge.no](http://www.helsenorge.no) has been established, containing information pages with quality-assured information on health, lifestyle, illness, treatment and rights and access to various health-related online services.

## II - 8. Qualifying period

### **§1(f) Article 1 C102, §1(i) Article 1 ECSS, C130**

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

### **Article 11. C102 and ECSS**

*The benefit specified in Article 10 shall, in a contingency covered, be secured at least to a person protected who has completed, or whose breadwinner has completed, such qualifying period as may be considered necessary to preclude abuse.*

### **Article 15. C130**

*Where the legislation of a Member makes the right to the medical care referred to in Article 8 conditional upon the fulfilment of a qualifying period by the person protected or by his breadwinner, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.*

As a general rule, every person legally resident in the Realm is protected, that is to say covered by the National Insurance Scheme. Reference is made to the explanations concerning the personal scope of the Scheme, given under Part XII of this report. For eligibility to medical care there is no qualifying period as such. According to paragraph 2 of Section 2-1 of the National Insurance Act, a person is considered a resident of Norway when he/she is staying in Norway and the stay is meant to last or has lasted for at least 12 months. A person who moves to Norway, is considered a resident from the date of entry.

Persons insured under the National Insurance Scheme have the right to reimbursement of costs related to health care as described above under Part II-5 Cost-sharing. As a main rule, persons not insured under the Scheme have to pay the costs themselves. There are some exceptions from this principle when it comes to family members of an insured breadwinner, who are not insured under the Scheme themselves, but who are staying together with the breadwinner. Also, citizens from EEA countries and other foreign citizens from countries which have ratified bilateral social security agreements with Norway, are treated equally with residents as regards reimbursement of health care costs and cost-sharing.

Persons insured under the National Insurance Scheme are entitled to necessary health care from the municipality and the specialist health services. According to regulations under the Act on Patients' and Users' Rights, persons who are not considered as either residents, insured under the Scheme or covered by the EEA Agreement or bilateral agreements on social security between Norway and other countries, will during a stay in Norway have more limited rights to access to health care.

Anyone who is on a temporary stay in Norway, regardless of whether the stay is legal or illegal, is entitled to emergency aid. In addition, anyone staying in Norway is entitled to health care that cannot be postponed without the risk of imminent death, permanent

severe disability or injury, or severe pain. Everybody is also entitled to assessment from the specialist health services as to whether health care is necessary, and everybody has the right to abortion. The right to health care also includes mental health care. All children staying in Norway are, as a main rule, entitled to necessary medical care. This also applies to expecting mothers. Persons without permanent residence must as a general rule pay for the health care. However, payment in advance cannot be required in cases concerning emergency aid and specialist health care that cannot be postponed.

According to a regulation under the Act on Patients' and Users' Rights, persons who are registered in the National Registry ("folkeregisteret") as resident in a Norwegian municipality ("kommune"), have the right to be listed with a regular GP. In order to be registered in the National Registry as resident, the person concerned must, unless he/she is an EEA/EFTA-national, have been granted a residency permit. The person concerned must also have the intention of staying in Norway for at least six months, even if the stay is meant to be temporary. Foreign nationals, both from other EEA states and from states outside the EEA who are associated with diplomatic or paid consular representations in the Kingdom, employees in intergovernmental organizations or convention bodies, and contractors for intergovernmental organizations or convention bodies, are entitled to be listed with an RGP, even if they are not registered in the National Registry.

## **II - 9. Minimum duration of benefit**

### **Article 12. C102 and ECSS**

*The benefit specified in Article 10 shall be granted throughout the contingency covered, except that, in case of a morbid condition, its duration may be limited to 26 weeks in each case, but benefit shall not be suspended while a sickness benefit continues to be paid, and provision shall be made to enable the limit to be extended for prescribed diseases recognised as entailing prolonged care.*

### **Article 16. C130**

- 1. The medical care referred to in Article 8 shall be provided throughout the contingency.*
- 2. Where a beneficiary ceases to belong to the categories of persons protected, further entitlement to medical care for a case of sickness which started while he belonged to the said categories may be limited to a prescribed period which shall not be less than 26 weeks: Provided that the medical care shall not cease while the beneficiary continues to receive a sickness benefit.*
- 3. Notwithstanding the provisions of paragraph 2 of this Article, the duration of medical care shall be extended for prescribed diseases recognised as entailing prolonged care.*

As a general rule, every person legally resident in the Realm is protected. Reference is made to the explanations concerning the personal scope of the Scheme, given under Part XII of this report.

The medical care is provided throughout the contingency.

## **II - 10. Suspension of Benefit**

**See under Part XIII-1**

### **Article 28. C130**

*1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed:*

*(a) as long as the person concerned is absent from the territory of the Member;*

*(b) as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;*

*(c) where the person concerned has made a fraudulent claim;*

*(d) where the contingency has been caused by a criminal offence committed by the person concerned;*

*(e) where the contingency has been caused by the serious and wilful misconduct of the person concerned;*

*(f) where the person concerned, without good cause, neglects to make use of the medical care or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;*

As regards Article 28 (a) in C130, reference is made to Part XII concerning the personal scope of the National Insurance Scheme. As a general rule, all persons who are legally resident in Norway will be compulsory insured under the Scheme. Persons falling outside of the personal scope, will no longer be insured under the National Insurance Scheme. Termination of insurance does, however, not automatically lead to suspension of all benefits and services. This varies from benefit to benefit. Medical care is paid abroad as long as the person concerned is still insured under the National Insurance Scheme.

Norway has established bilateral social security agreements with several countries. A few of these contain provisions concerning medical treatment. In addition, Norway has established separate agreements with Australia, Hungary and the United Kingdom concerning medical treatment during a temporary stay in the territory of each of the contracting parties.

According to the EEA Agreement, cf. Regulation (EC) 883/2004, an insured citizen of an EU/EEA state has the right to health care which becomes necessary during a temporary stay in another EU/EEA state. The content and coverage of the health care depends on the national legislation of the state where the care is given. An insured EU/EEA citizen may under certain conditions have the right to a prior authorization when the purpose is travelling to another EU/EEA state in order to have planned medical treatment. The expenses are covered by the competent state where the person concerned is insured.

These agreements may extend or limit the provisions otherwise in force.

As regards Article 28 (b), (d) and (e), the National Insurance Act contains no legal provisions concerning the suspension of benefits in such cases.

As regards Article 28 (c): if an assessment of the case shows that the person concerned does not meet the requirements for entitlement to the benefit (reimbursement of costs of health care), the application for a benefit will of course be rejected or a granted benefit will be terminated, irrespective of whether the incorrect information was given intentionally ("a fraudulent claim") or by mistake. This will, however, not affect any future claim for the same benefit if the person concerned should meet the requirements at a later stage.

In Norway, the majority of private health care providers have entered into an agreement with the Health Economic Administration (HELFO) on direct settlement of the reimbursement. This means that the patient only pays the cost-sharing charges. If the private health care provider has made a fraudulent reimbursement claim towards HELFO, the agreement between the provider and a RHA can be terminated. As a consequence, the provider may be deprived not only the right to reimbursement, but also other related rights, for example the right to issue sick leave certificates, the right to issue reports connected to medical examinations and the right to prescribe pharmaceuticals covered by the National Insurance Scheme.

As regards Article 28 (f), there are no legal provisions concerning the suspension of benefits in such cases.

## II - 11. Right of complaint and appeal

*See under Part XIII-2*

### **Article 29. C130**

1. *Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.*
2. *Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.*

Reference is made to the explanations concerning the right of complaint and appeal provided under Part XIII-2 of this report.

The provisions of the Public Administration Act mentioned in Part XIII-2 also apply to those health care benefits which are a part of the National Insurance Scheme.

If the person concerned lodges an appeal, the matter will initially be re-evaluated by the office within the Health Economic Administration ("HELFO") which made the original decision. If they do not find any reason to change the decision, they will forward the matter to the National Office for Health Service Appeals ("*Helseklage*"). If the Appeals Office also upholds the decision, the person concerned will be informed that the matter may be appealed further to the National Insurance Court of Appeal ("*Trygderetten*"), which is a separate body, independent of both the Health Economic Administration and the Labour and Welfare Service.

The decisions of the National Insurance Court of Appeal as regards health care benefits may, with some exceptions, be brought before the ordinary courts of justice.

Further information about the right of complaint and appeal may be found on the following website:

<https://helseklage.no/forside/om-nasjonalt-klageorgan-for-helsetjenesten/information-in-english>

In addition to the possibility of lodging appeals concerning decisions made by the Health Economic Administration concerning reimbursement of health care costs, one may also complain about the health services received.

Patients who believe that they are not receiving the health services to which they are entitled, or disagree with the health service's assessment of their treatment needs, have the right to complain. Complaints should be sent to the person or body that made the disputed decision, so that the case may be reassessed. If the decision is upheld, the complaint will be forwarded to the County Governor for a final decision. The County Governor's decision is final, and the health services in question will have to comply with this. The County Governor's decision may, however, be brought before the ordinary courts of justice.

Furthermore, complaints concerning both health care benefits provided by the National Insurance Scheme and health services provided by public and private health care providers, may be lodged with the Parliamentary Ombudsman ("Sivilombudet").

## II - 12. Financing and Administration

*See under Part XIII-3*

### **Article 30. C130**

1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

### **Article 31. C130**

*Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature:*

- (a) representatives of the persons protected shall participate in the management under prescribed conditions;
- (b) national legislation shall, where appropriate, provide for the participation of representatives of employers;
- (c) national legislation may likewise decide as to the participation of representatives of the public authorities.

1. Persons insured under the National Insurance Scheme are entitled to reimbursement of expenses for health care, as mentioned in Chapter 5 of the National Insurance Act. Persons insured under the National Insurance Scheme are also entitled to access to necessary health care from the municipality and specialist health services provided by the RHAs. Reference is made to the explanations concerning qualifying period, given under Part II-8 of this report. Health care is generally financed through state block grants ("rammetilskudd"), reimbursement of costs based on fixed rates from the National Insurance Scheme and patients' fees.

Reference is made to the explanations concerning financing of the National Insurance Scheme provided under Part XIII-3.

2. The administration of the scheme is directly regulated by a public authority.



## Part III. Sickness Benefit

**Norway has accepted the obligations resulting from Part III of the ECSS, as amended**

### List of applicable legislation

- National Insurance Act (*folketrygdloven*) of 28 February 1997, with later amendments
- Child Benefit Act (*barnetrygdloven*) of 8 March 2002, with later amendments

### III - 1. Regulatory framework

#### **Article 13. ECSS**

*Each Contracting Part for which this Part of this Code is in force shall secure to the persons protected the provision of sickness benefit in accordance with the following Articles of this Part.*

#### **Article 18. C130**

*Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of sickness benefit in respect of the contingency referred to in subparagraph (b) of Article 7.*

According to the National Insurance Act, an insured person with an income which (when recalculated on an annual basis) would equal an annual income of 0.5 B.a. (NOK 59 310), is entitled to daily cash benefits in the case of sickness if he/she is incapable of working due to sickness. It is, as a general rule, required that the occupational activity has lasted for at least 4 weeks prior to onset of sickness.

Daily cash benefits in case of sickness for employees equal 100 per cent of pensionable income, up to a ceiling of 6 B.a. (NOK 711 720), and are paid from the first day of sickness for a period of 260 days (52 weeks). Daily cash benefits in the case of sickness are paid by the employer for the first 16 calendar days, and thereafter by the National Insurance Scheme. During the period in which daily cash benefits are paid by the employer, no minimum income level is required. The benefit does not compensate for the part of the income (if any) which exceeds the aforementioned ceiling of 6 B.a. (NOK 711 720). However, large groups of employees are entitled to have this part of their income compensated by their employers, based on collective agreements.

Self-employed persons get sickness benefits corresponding to 80 per cent of their pensionable income from the 17th day of sickness for a period of 248 days.

By voluntarily paying a higher rate of contributions, self-employed persons may receive:

- sickness benefits corresponding to 80 per cent of their pensionable income from the first day of sickness,
- sickness benefits corresponding to 100 per cent of their pensionable income from the seventeenth day of sickness, or
- sickness benefits corresponding to 100 per cent of their pensionable income from the first day of sickness.

The old-age pension is not reduced in cases where the pensioner is earning an income from occupational activity. Daily cash benefits in the case of sickness may be granted to insured persons between 62 and 67 years of age, irrespective of whether they have started to draw their old-age pensions. Insured persons between 67 and 70 years of age are entitled to daily cash benefits in the case of sickness for up to 60 days, if their weekly income at time of sickness exceeds 2 B.a. on an annual basis (As per 1 May 2023: NOK 237 240). Daily cash benefits in the case of sickness are not granted to insured persons who have attained the age of 70.

### III - 2. Contingency covered

#### **Article 14. ECSS**

*The contingency covered shall include incapacity for work resulting from a morbid condition and involving suspension of earnings, as defined by national laws or regulations.*

#### **Article 1 (j). C130**

*The term "sickness" means any morbid condition, whatever its cause.*

#### **Article 7 (b). C130**

*The contingencies covered shall include*

*(b) incapacity for work resulting from sickness and involving suspension of earnings, as defined by national legislation.*

According to paragraph 1 of Section 8-4 of the National Insurance Act, persons who have an incapacity for work due to a functional impairment which clearly is a result of sickness or injury, are entitled to sickness benefits. In accordance with paragraph 1 of Section 8-13, the work capacity must be reduced by at least 20 per cent in order to be entitled to (partial) sickness benefits.

### III - 3. Persons protected

#### **Article 15. Protocol to the ECSS**

*The persons protected shall comprise:*

*(a) prescribed classes of employees, constituting not less than 80 per cent of all employees; or*

*(b) prescribed classes of the economically active population, constituting not less than 30 per cent of all residents; or*

*(c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.*

The term "sickness" is not directly defined in the National Insurance Act. Relevant guidelines (guidelines to Sections 8-4 and 12-6 of the National Insurance Act) state that what is considered "sickness" should follow the definition of sickness found within medical science and generally recognized medical practice. In this sense, the definition of "sickness" in the National Insurance Act is dynamic, as its content will change according to progress within medical science etc.

#### **Article 19. C130**

*The persons protected in respect of the contingency specified in subparagraph (b) of Article 7 shall comprise:*

*(a) all employees, including apprentices; or*

*(b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population; or*

*(c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 24.*

- A. Recourse is had to Article 15 (a) of C102/ECSS  
The Norwegian National Insurance Scheme is administered by public authorities, and all employees are insured under the Scheme. Entitlement to Sickness Benefits do, however, require that the insured person has been in employment for at least four weeks immediately prior to the case of sickness, and that the insured person's weekly income, converted to annual income, constitutes no less than 0.5 B.a. (NOK 59 310).
- B. and C. Reference is made to the calculations below concerning the percentage of all employees which would be entitled to Sickness Benefit.
1. Recourse is had to subparagraph b) of Article 19 of C130.
  2. All persons with an income which (when recalculated on an annual basis) equal an annual income of 0.5 B.a. Daily cash benefits during unemployment, sickness, maternity and adoption are regarded as equal to income from work.
  3. B (a) (i) All persons with an annual income of at least 50 per cent of the average basic amount in 2021<sup>6</sup>: 2 705 628.

(b) All occupationally active persons (employees and self-employed) in 2022 (annual average per 4. Quarter): 2 818 175. This is according to Statistics Norway, counting the number of employed person in Norway between the ages of 15 and 74.  
<https://www.ssb.no/arbeid-og-lonn/statistikker/regsystaar>.

(c) The figures given above are not comparable and only attempt to show the approximate range of figures. However, the numbers given suggest that in practice, more or less all employed persons were covered by the sickness benefit scheme in 2021.

### III - 4. Level and Calculation of Benefit

#### **Article 16. ECSS**

1. *Where classes of employees or classes of the economically active population are protected, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.*

2. *Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67; [provided that a prescribed benefit shall be guaranteed, without means test, to the prescribed classes of persons determined in accordance with Article 15. a or b - ECSS].*

#### **Article 21. C130**

*The sickness benefit referred to in Article 18 shall be a periodical payment and shall:*

*(a) where employees or classes of the economically active population are protected, be calculated in such a manner as to comply either with the requirements of Article 22 or with the requirements of Article 23;*

*(b) where all residents whose means during the contingency do not exceed prescribed limits are protected, be calculated in such a manner as to comply with the requirements of Article 24.*

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<sup>6</sup> 2021 is the latest year for which statistics are available.

Daily cash benefits for employees equal 100 per cent of pensionable income and are paid from the first day of sickness for a period of 260 days (52 weeks).

Self-employed persons get sickness benefits corresponding to 80 per cent of their pensionable income from the 17th day of sickness, for a period of 248 days (49.6 weeks).

By voluntarily paying a higher rate of contributions, self-employed persons may receive:

- sickness benefits corresponding to 80 per cent of their pensionable income from the first day of sickness,
- sickness benefits corresponding to 100 per cent of their pensionable income from the seventeenth day of sickness, or
- sickness benefits corresponding to 100 per cent of their pensionable income from the first day of sickness.

Article 65, Title I, II, and V of C102, Article 22, Title I, II (Article 21 (a)) of C130

A.

Reference is made to paragraph 3 of article 22 of C130.

Sickness benefit equals the hourly gross wages and is taxed as earned income. It is paid for five days a week for a total period of 260 days (52 weeks). The benefits are paid by the employer for the first 16 calendar days, and thereafter by the National Insurance Scheme.

Maximum sickness benefit is 6 times the B.a. :

$\text{NOK } 118\,620 \times 6 = \text{NOK } 711\,720$  per year

The highest daily rate of sickness benefit at the end of the reporting period is:

$$\frac{\text{NOK } 711\,720}{260} = \text{NOK } 2\,737$$

Sickness benefit is not granted for that part of a person's income which exceeds 6 times the B.a.

During the report period the B.a. has been changed as follows:

Year	Period	Amount (NOK)
2011	1 Jan - 30 Apr	75 641
	1 May - 31 Dec	79 216
	<i>Annual average</i>	78 024
2012	1 Jan - 30 Apr	79 216
	1 May - 31 Dec	82 122
	<i>Annual average</i>	81 153
2013	1 Jan - 30 Apr	82 122
	1 May - 31 Dec	85 245

	<i>Annual average</i>	84 204
2014	1 Jan – 30 Apr	85 245
	1 May – 31 Dec	88 370
	<i>Annual average</i>	87 328
2015	1 Jan – 30 Apr	88 370
	1 May – 31 Dec	90 068
	<i>Annual average</i>	89 502
2016	1 Jan – 30 Apr	90 068
	1 May – 31 Dec	92 576
	<i>Annual average</i>	91 740
2017	1 Jan – 30 Apr	91 740
	1 May – 31 Dec	93 634
	<i>Annual average</i>	93 281
2018	1 Jan – 30 Apr	93 634
	1 May – 31 Dec	96 883
	<i>Annual average</i>	95 800
2019	1 Jan – 30 Apr	96 883
	1 May – 31 Dec	99 858
	<i>Annual average</i>	98 866
2020	1 Jan – 30 Apr	99 858
	1 May – 31 Dec	101 351
	<i>Annual average</i>	100 853
2021	1 Jan – 30 Apr	101 351
	1 May – 31 Dec	106 399
	<i>Annual average</i>	104 716
2022	1 Jan – 30 Apr	106 399
	1 May – 31 Dec	111 477
	<i>Annual average</i>	109 784
2023	1 Jan – 30 Apr	111 477
	1 May – 31 Dec	118 620
	<i>Annual average</i>	116 239

Recourse is had to Article 65 of the Code, Article 65 of C102 and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2021, the average annual pay for male full-time employees in this category was NOK 488 520.

B.

The gross annual wage of the standard beneficiary, computed on the bases of wage per hour, excluding payment for overtime and shift work, amounted to:

Year	Amount (NOK)
2011	389 000
2012	396 000
2013	402 000
2014	415 200
2015	422 400
2016	435 600
2017	435 240
2018	455 880
2019	474 000

2020	468 600
2021	488 520
2022	512 400

C.

The standard beneficiary is a skilled manual male employee with wife and two children.  
The sickness benefit equals the gross wage.

The sickness benefit of the standard beneficiary amounted to (52 weeks, including 16 days paid by employer):

Year	Amount per year (NOK)	Amount per day (NOK)
2011	389 000	1 496
2012	396 000	1 523
2013	402 000	1 546
2014	415 200	1 597
2015	422 400	1 625
2016	435 600	1 675
2017	435 240	1 674
2018	455 880	1 753
2019	474 000	1 823
2020	468 600	1 802
2021	488 520	1 879
2022	512 400	1 971

D.

Child benefit – payable during employment = NOK 32 760

E.

Child benefit – two children = NOK 32 760

Total Child benefit during contingency = NOK 32 760

The amount of Child benefit used is the ordinary rate for two children, one child under 6 years of age and one child above the age of 6, the third quarter of the respective years.

F.

Sum of benefits payable under contingency (D+F) as a percentage of the sum of the standard wage and Child benefit payable under employment (C+E)

Year		C: Wage per year (NOK)	D: Sickness benefit per year (NOK)	E = F: Child benefit per year (NOK)	Total per year (NOK)	Percentage: $\frac{(D+F) \times 100}{(C+E)}$
2011	D+F		380 400	23 280	403 680	100
	C+E	380 400			403 680	
2012	D+F		396 000	23 280	419 280	100
	C+E	396 000			419 280	
2013	D+F		402 000	23 280	425 280	100
	C+E	402 000			425 280	

2014	D+F		415 200	23 280	438 480	100
	C+E	415 200			438 480	
2015	D+F		422 400	23 280	445 680	100
	C+E	422 400			445 680	
2016	D+F		435 600	23 280	458 880	100
	C+E	435 600			458 880	
2017	D+F		435 240	23 280	458 520	100
	C+E	435 240			458 520	
2018	D+F		455 880	23 280	479 160	100
	C+E	455 880			479 160	
2019	D+F		474 000	25 296	497 280	100
	C+E	474 000			497 280	
2020	D+F		468 600	28 896	497 496	100
	C+E	474 000			497 496	
2021	D+F		488 520	32 496	521 016	100
	C+E	488 520			521 016	
2022	D+F		512 400	32 760	545 160	100
	C+E	512 400			545 160	

Please note that the method for calculating the income of the standard beneficiary, used in the reports, has changed during the period shown in the table above, so the amounts are not fully comparable.

However, irrespective of the method of calculation, the table shows that the Sickness Benefit Scheme of the Norwegian National Insurance Scheme gives full compensation (up to an income of 6 B.a.).

### III - 5. Qualifying period

#### **§1(i) Article 1 ECSS, C130**

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

#### **Article 17. ECSS**

*The benefit specified in Article 16 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.*

#### **Article 25. C130**

*Where the legislation of a Member makes the right to the sickness benefit referred to in Article 18 conditional upon the fulfilment of a qualifying period by the person protected, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.*

As a main rule, employment or self-employment must have lasted for at least four weeks before an insured person is entitled to sickness benefit. (This requirement does not, however, apply in cases of occupational injury.)

### III - 6. Minimum duration of Benefit

#### **Article 18. Protocol to the ECSS**

*The benefit specified in Article 16 shall be granted throughout the contingency, except that it need not be paid for the first three days of suspension of earnings and may be limited to 52 weeks in each case of sickness or to 78 weeks in any consecutive period of three years.*

**Article 26. C130**

- 1. The sickness benefit referred to in Article 18 shall be granted throughout the contingency: Provided that the grant of benefit may be limited to not less than 52 weeks in each case of incapacity, as prescribed.*
- 2. Where a declaration made in virtue of Article 2 is in force, the grant of the sickness benefit referred to in Article 18 may be limited to not less than 26 weeks in each case of incapacity, as prescribed.*
- 3. Where the legislation of a Member provides that sickness benefit is not payable for an initial period of suspension of earnings, such period shall not exceed three days.*

Daily cash benefits for employees equal 100 per cent of pensionable income, and are paid from the first day of sickness for a period of 260 days (52 weeks).

Self-employed persons get sickness benefits corresponding to 80 per cent of pensionable income from the 17th day of sickness for a period of 248 days.

In accordance with paragraph 2 of Section 8-12 of the National Insurance Act, the entitlement to 260 benefit days is renewed for each new case of sickness, provided that the person has been fully employable for 26 weeks after the last case of sickness. In addition, the person must fulfil other relevant sickness benefit eligibility requirements, such as requirements concerning income level and period of employment.

### **III - 7. Funeral Benefit**

**Article 27. C130**

- 1. In the case of the death of a person who was in receipt of, or qualified for, the sickness benefit referred to in Article 18, a funeral benefit shall, under prescribed conditions, be paid to his survivors, to any other dependants or to the person who has borne the expense of the funeral.*
- 2. A member may derogate from the provision of paragraph 1 of this Article where: (a) it has accepted the obligations of Part IV of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967; (b) it provides in its legislation for cash sickness benefit at a rate of not less than 80 per cent of the earnings of the persons protected; and (c) the majority of persons protected are covered by voluntary insurance which is supervised by the public authorities and which provides a funeral grant.*

Irrespective of whether the deceased was in receipt of, or qualified for, a sickness benefit, a means-tested lump-sum of maximum NOK 27 390 may be granted by the National Insurance Scheme, in order to cover expenses in connection with the funeral.

### **III - 8. Suspension of Benefit**

**Article 28. C130**

- 1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed:*
  - (a) as long as the person concerned is absent from the territory of the Member;*
  - (b) as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;*
  - (c) where the person concerned has made a fraudulent claim;*
  - (d) where the contingency has been caused by a criminal offence committed by the person concerned;*
  - (e) where the contingency has been caused by the serious and wilful misconduct of the person concerned;*



*(f) where the person concerned, without good cause, neglects to make use of the medical care or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;*

*(g) in the case of the sickness benefit referred to in Article 18, as long as the person concerned is maintained at public expense or at the expense of a social security institution or service; and*

*(h) in the case of the sickness benefit referred to in Article 18, as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, subject to the part of the benefit which is suspended not exceeding the other benefit.*

*2. In the cases and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.*

Reference is made to information provided under Part XIII-1.

#### Article 68 regarding suspension of benefits

A benefit to which a person protected would otherwise be entitled in compliance with Part III of this Code may be suspended:

*(a) as long as the person concerned is absent from the territory of the Contracting Party concerned;*

Paragraph 1 of Section 8-9 of the National Insurance Act states that Sickness Benefits may only be granted to persons staying in Norway. Staying in another EEA country is also treated as staying in Norway. This applies for EEA-citizens). However, exemptions may be made, see paragraphs 2 and 3 of Section 8-9 of the National Insurance Act.

*(b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to a portion of the benefit being granted to the dependants of the beneficiary.*

Section 8-53 of the National Insurance Act governs the right to Sickness Benefits while admitted to a social security institution or service at public expense. As a general rule, Sickness Benefits are granted in full during the month of admittance and the three following months. Thereafter, the benefits are reduced by 50 per cent.

However, a recipient who is maintaining his or her spouse or child, is not subject to a reduction of Sickness Benefits while admitted to a social security institution or service at public expense.

*(c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit of the indemnity by a third party.*

Sections 8-48 to 8-50 and Section 8-52 of the National Insurance Act govern entitlement to Sickness Benefits if a person is also a recipient of other public benefits or pensions.

According to paragraph 2 of Section 8-48 of the National Insurance Act, a person who fulfils the conditions for both Sickness Benefits and Work Assessment Allowance, must initially use the right to Sickness Benefits. If the calculated Sickness Benefits is less than 2 B.a., the member is entitled to choose benefit.

According to paragraph 1 of Section 8-49 of the National Insurance Act, a person who receives Unemployment Benefits is entitled to Sickness Benefits from the first day of his or her illness. This also applies to persons who become ill while in receipt of severance pay in accordance with the Civil Service Act or in receipt of interim pay in accordance with the Public Service Pension Fund Act.

According to Section 8-50 of the National Insurance Act, a person in receipt of Disability Benefits is entitled to Sickness Benefits calculated on the basis of his or her employment income, in addition to the Disability Benefit.

According to Paragraph 1 of Section 8-51 of the National Insurance Act, a person between the ages of 62 and 70 is entitled to Sickness Benefits regardless of whether he or she is in receipt of Old Age Pension, provided that the person has an income basis of at least 2 B.a (NOK 237 240). However, according to Paragraph 1 of Section 8-52 of the National Insurance Act, a person in receipt of full contractual early retirement pension is not entitled to Sickness Benefits, but some exceptions do apply.

*(d) where the person concerned has made a fraudulent claim.*

If a person has made a fraudulent claim and as such does not fulfil the requirements of the specific benefit, the decision to grant the benefit may be reversed in accordance with the Public Administration Act Section 35, effectively suspending the benefit. The benefit may also be suspended in accordance with paragraph 1 of Section 21-7 of the National Insurance Act if the person knowingly provides false information. If a person has received any benefit on the basis of a fraudulent claim, he or she may be instructed to pay back the full amount of the benefit, in accordance with Section 22-15 of the National Insurance Act.

*(e) where the contingency has been caused by a criminal offence committed by the person concerned.*

Reference is made to the answer given under (d).

*(f) where the contingency has been caused by the wilful misconduct of the person concerned.*

Paragraph 2 of Section 21-8 of the National Insurance Act states that a benefit may be suspended if the recipient's actions may aggravate his or her health condition or prolong his or her incapacity to work. In order to suspend the benefit in accordance with this provision, it is required that the recipient should understand that his or her actions may have such consequences.

*(g) in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of the beneficiaries.*

In accordance with paragraph 1 of Section 21-8 of the National Insurance Act, the benefit may be suspended if a person without just cause refuses to make use of medical treatment or rehabilitation services placed at his or her disposal. In accordance with Section 21-7 of

the National Insurance Act, the benefit may also be suspended if a person refuses to provide relevant information necessary to verify his or her rights and duties in accordance with the National Insurance Act. Paragraphs 2 and 3 of Section 8-8 of the National Insurance Act prescribe rules for the conduct of sickness benefit recipients, and state that benefits may be suspended if the person fails to comply with these rules.

(h) to (j)

N/A

### III - 9. Right of complaint and appeal

#### **Article 29. C130**

*Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.*

Reference is made to information provided under Part XIII–2.

### III - 10. Financing and Administration

#### **Article 30. C130**

1. *Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.*
2. *Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.*

#### **Article 31. C130**

*Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature:*

- (a) representatives of the persons protected shall participate in the management under prescribed conditions;*
- (b) national legislation shall, where appropriate, provide for the participation of representatives of employers;*
- (c) national legislation may likewise decide as to the participation of representatives of the public authorities.*

Reference is made to information provided under Part XIII–3.

The insurance scheme is administered by public authorities.

#### **Article 33. C130**

1. *A Member:*

*(a) which has accepted the obligations of this Convention without availing itself of the exceptions and exclusions provided for in Article 2 and Article 3,*

*(b) which provides over-all higher benefits than those provided in this Convention and whose total relevant expenditure on medical care and sickness benefits amounts to at least 4 per cent of its national income, and*

*(c) which satisfies at least two of the three following conditions:*

*(i) it covers a percentage of the economically active population which is at least ten points higher than the percentage required by Article 10, subparagraph (b), and by Article 19, subparagraph (b), or a percentage of all residents which is at least ten points higher than the percentage required by Article 10, subparagraph (c),*

*(ii) it provides medical care of a curative and preventive nature of an appreciably higher standard than that prescribed by Article 13,*

*(iii) it provides sickness benefit corresponding to a percentage at least ten points higher than is required by Articles 22 and 23,*

*may, after consultation with the most representative organisations of employers and workers, where such exist, make temporary derogations from particular provisions of Parts II and III of this Convention on condition*

that such derogation shall neither fundamentally reduce nor impair the essential guarantees of this Convention.

2. Each Member which has made such a derogation shall indicate in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation the position of its law and practice as regards such derogation and any progress made towards complete application of the terms of the Convention.

### **Article 33**

No temporary derogations have been made from the provisions of Parts II and III of C130.

A. The expenditure of the National Insurance Scheme in respect of benefits in kind in case of illness amounted to:

Year	Amount (mill. NOK)
2011	22 735
2012	23 990
2013	24 877
2014	27 057
2015	29 546
2016	30 067
2017	31 049
2018	31 395
2019	32 737
2020	32 874
2021	37 320
2022	38 101

Source: Central government accounts (Statsregnskapet), sum of program categories 3010, 3050 and 3090

Expenditure on sickness benefit (excluding parental benefits in cash) amounted to:

Year	Amount (mill. NOK)
2011	34 748
2012	34 824
2013	36 617
2014	38 371
2015	39 534
2016	39 212
2017	39 801
2018	40 127
2019	42 362
2020	43 622
2021	44 486
2022	47 211

Source: Central government accounts (Statsregnskapet), Expenditure on chapter 2650, post 70 (sickness benefits to employees)

Expenditure on work assessment allowance amounted to:

Year	Amount (mill. NOK)
2011	35 531
2012	35 470
2013	35 730
2014	34 822
2015	34 313

2016	34 962
2017	34 789
2018	33 067
2019	30 056
2020	30 565
2021	33 667
2022	36 531

Source: Central government accounts (Statsregnskapet), Expenditure on chapter 2651 (work assessment allowance)

C. The national income (primary income, net) during the report period was:

Year	Amount (mill. NOK)
2011	2 360 790
2012	2 508 952
2013	2 592 950
2014	2 690 912
2015	2 650 364
2016	2 628 146
2017	2 810 606
2018	3 056 999
2019	3 003 295
2020	2 836 151
2021	3 498 897
2022	4 859 486

Source: Statistics Norway, table 10799

Note: New data sources and methods are regularly incorporated in National Income Statistics by Statistics Norway. The last revision was done in 2019, and an additional revision was conducted in 2020. In order to avoid breaks in series, revision of data is also done back in time. Updated timeseries on national income has to some degree affected the calculations in the three tables below.

D. A/C

Benefits in kind (excluding maternity benefits in kind) as percentage of national income:

Year	Per cent
2011	1.0
2012	1.0
2013	1.0
2014	1.0
2015	1.1
2016	1.1
2017	1.1
2018	1.0
2019	1.1
2020	1.2
2021	1.1
2022	0,8

Sickness benefits (excluding parental benefits in cash) as percentage of national income:

Year	Per cent
2011	1.5

2012	1.4
2013	1.4
2014	1.4
2015	1.5
2016	1.5
2017	1.4
2018	1.3
2019	1.4
2020	1.5
2021	1.3
2022	1,0

Work Assessment Allowance as percentage of national income:

Year	Per cent
2011	1.5
2012	1.4
2013	1.4
2014	1.3
2015	1.3
2016	1.3
2017	1.2
2018	1.1
2019	1.0
2020	1.1
2021	1.0
2022	0.8

## Part IV. Unemployment benefit

**Norway has accepted the obligations resulting from Part IV of the ECSS, Part IV of C102 and C168.**

### List of applicable legislation

- National Insurance Act (folketrygdløven) of 28 February 1997, with later amendments
- Regulation 16 September 1998 No. 890 on Unemployment Benefits
- Child Benefit Act (barnetrygdloven) of 8 March 2002, with later amendments
- Social Assistance Act (sosialtjenesteløven) of 18 December 2009, with later amendments

### IV - 1. Regulatory framework

#### **Article 19. C102 and ECSS**

*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of unemployment benefit in accordance with the following Articles of this Part.*

#### **Article 12. C168**

*1. Unless it is otherwise provided in this Convention, each Member may determine the method or methods of protection by which it chooses to put into effect the provisions of the Convention, whether by a contributory or non-contributory system, or by a combination of such systems.*

2. Nevertheless, if the legislation of a Member protects all residents whose resources, during the contingency, do not exceed prescribed limits, the protection afforded may be limited, in the light of the resources of the beneficiary and his or her family, in accordance with the provisions of Article 16.

**Article 13. C168**

Benefits provided in the form of periodical payments to the unemployed may be related to the methods of protection.

**MISSOC Database**

Compulsory earnings-related part of the National Insurance Scheme (folketrygden), for employed persons designed to compensate for the loss of earnings from work and contribute to make the unemployed better qualified for the job market. Financed by taxes and contributions.

## IV - 2. Contingency covered

**Article 20. C102 and ECSS**

The contingency covered shall include suspension of earnings, as defined by national laws or regulations, due to inability to obtain suitable employment in the case of a person protected who is capable of, and available for, work.

**Article 10. C168**

1. The contingencies covered shall include, under prescribed conditions, full unemployment defined as the loss of earnings due to inability to obtain suitable employment with due regard to the provisions of Article 21, paragraph 2, in the case of a person capable of working, available for work and actually seeking work.

2. Each Member shall endeavour to extend the protection of the Convention, under prescribed conditions, to the following contingencies:

(a) loss of earnings due to partial unemployment, defined as a temporary reduction in the normal or statutory hours of work; and

(b) suspension or reduction of earnings due to a temporary suspension of work, without any break in the employment relationship for reasons of, in particular, an economic, technological, structural or similar nature.

3. Each Member shall in addition endeavour to provide the payment of benefits to part-time workers who are actually seeking full-time work. The total of benefits and earnings from their part-time work may be such as to maintain incentives to take up full-time work.

**RF/C168:** please indicate whether measures have been taken, in conformity with para. 3 of the Article, to extend protection to part-time workers who are actually seeking full-time work.

The contingencies covered are the loss of earnings due to full unemployment, partial unemployment and temporary suspension of work without any break in the employment relationship (temporary layoffs). The employment (working hours) must be reduced by at least 50 per cent. The same rules apply to part-time workers and full-time workers. The part-time workers who fulfil the work-time reduction requirement and receive unemployment benefits are compensated at the same level and on the same terms as those who have become unemployed from full-time work. Part-time workers are only entitled to unemployment benefit as long as the requirement regarding 50 per cent reduction is fulfilled, regardless of whether they actually are seeking full-time work. No special measures are taken to extend protection to part-time workers who are seeking full-time work.

The basic requirement in order to be entitled to unemployment benefit in Norway is to be considered a "genuine job-seeker". This means inter alia that the unemployed must be

capable of work and available for any part- or full-time work he or she is physically and mentally capable of doing, if the remuneration offered for the job is in accordance with the accepted norm or agreed rate for the particular trade or occupation. It is also a requirement to register as a job-seeker with the Norwegian Labour and Welfare Service. The person concerned may be entitled to unemployment benefit even if he or she does not fully meet the availability requirement due to circumstances such as age, health or obligations of a caring nature.

The primary goal for the Labour and Welfare Service is to find work that corresponds with the job-seekers' wishes, education and qualifications. This is the basis for all public employment service in Norway. The Labour and Welfare Service will initially devote a lot of time to identifying the job-seekers' qualifications, working-experience and job-requests. All job-seekers are entitled to an assessment of which services they need from the Labour and Welfare Service in order to get a suitable job. This makes it possible for the Labour and Welfare Service to give the job-seekers a more individually fitted service. The Labour and Welfare Service will avoid referring job-seekers to a job if he or she doesn't match the employer's request, as it is in everyone's interest to offer a good service to both employers and job-seekers. However, the employer, and not the Labour and Welfare Service, will have the last word in appointing or engaging an unemployed to a position.

The first three months of unemployment the job-seekers will themselves have the primary responsibility of finding a job. They will therefore themselves determine which jobs they find suitable. The unemployed will in this period normally not be offered jobs from the Labour and Welfare Service, unless it is a job that corresponds to his or her qualifications. Regular reviews shows that the job-seekers in practice are not referred to take unsuitable work the first three months of the benefit period. Reference is made to Report 2016-ECSS.

Further into the benefit period, the job-seeker must be prepared to adjust his or her demands and level of ambition and expand the job-search. This principle is considered important, as the employers consider it positive that the job-seeker have been in a less skilled job and with that have got working-experience and kept in contact with the working-life. A period of long-term unemployment, instead of taking a less skilled job, can make it more difficult for the job-seeker to get a suitable job. On the basis of the job-seeker's CV and the labour market, the job-request will be evaluated every third month. This evaluation can result in an agreement between the job-seeker and the Labour and Welfare Service to expand the job-search. As a part of this evaluation, it will be considered how long the job-seeker has been unemployed, the probability the job-seeker has of getting a job which corresponds to his or her qualifications and if the offered job can give valuable working experience.

See also under IV-13. Suspension of benefit.



### IV - 3. Persons protected

#### **Article 21. C102 and ECSS**

*The persons protected shall comprise:*

- (a) prescribed classes of employees, constituting not less than 50 per cent of all employees; or*
- (b) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.*

#### **Article 11. C168**

- 1. The persons protected shall comprise prescribed classes of employees, constituting not less than 85 per cent of all employees, including public employees and apprentices.*
- 2. Notwithstanding the provisions of paragraph 1 above, public employees whose employment up to normal retiring age is guaranteed by national laws or regulations may be excluded from protection.*

The unemployment insurance in Norway is a part of the comprehensive Norwegian National Insurance Scheme and is therefore universal. All persons insured under the Norwegian National Insurance Scheme up to the age of 67, whose previous income from work as employees exceed 1.5 B.a. (NOK 177 930) during the last 12 calendar months before the application date, or 3 B.a. (NOK 355 860) during the last 36 calendar months before the application date, and whose employment (working hours) has been reduced by at least 50 per cent, and who meet the requirement of actively searching for work, are eligible for unemployment benefit.

#### *Request for statistical information*

All wage earners are protected and are entitled to unemployment benefit as long as they meet the requirements. According to the Labour market survey, 95,8 per cent of all employed persons in Norway age 20 – 66 years are wage earners (2021).

### IV - 4. Level and Calculation of Benefit

#### **Article 22. C102 and ECSS**

- 1. Where classes of employees are protected, the benefit shall be a periodical payment calculated in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.*
- 2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67. [provided that a prescribed benefit shall be guaranteed, without means test, to the prescribed classes of employees determined in accordance with Article 21.a. – ECSS]*

#### **Article 14. C168**

*In cases of full unemployment, benefits shall be provided in the form of periodical payments calculated in such a way as to provide the beneficiary with partial and transitional wage replacement and, at the same time, to avoid creating disincentives either to work or to employment creation.*

#### **Article 15. C168**

- 1. In cases of full unemployment and suspension of earnings due to a temporary suspension of work without any break in the employment relationship, when this contingency is covered, benefits shall be provided in the form of periodical payments, calculated as follows:*

*(a) where these benefits are based on the contributions of or on behalf of the person protected or on previous earnings, they shall be fixed at not less than 50 per cent of previous earnings, it being permitted to fix a maximum for the amount of the benefit or for the earnings to be taken into account, which may be related, for example, to the wage of a skilled manual employee or to the average wage of workers in the region concerned;*

*(b) where such benefits are not based on contributions or previous earnings, they shall be fixed at not less than 50 per cent of the statutory minimum wage or of the wage of an ordinary labourer, or at a level which provides the minimum essential for basic living expenses, whichever is the highest;*

*3. If appropriate, the percentages specified in paragraphs 1 and 2 may be reached by comparing net periodical payments after tax and contributions with net earnings after tax and contributions.*

**Article 16. C168**

*Notwithstanding the provisions of Article 15, the benefit provided beyond the initial period specified in Article 19, paragraph 2 (a), as well as benefits paid by a Member in accordance with Article 12, paragraph 2, may be fixed after taking account of other resources, beyond a prescribed limit, available to the beneficiary and his or her family, in accordance with a prescribed scale. In any case, these benefits, in combination with any other benefits to which they may be entitled, shall guarantee them healthy and reasonable living conditions in accordance with national standards.*

Norwegian calculations are based on Article 65.

**Title I A:**

The calculation of unemployment benefit is based on income from work and/or income from daily cash benefits during unemployment, sickness, maternity and adoption. The calculation basis is the highest of the income of the preceding calendar year or the average over the three preceding calendar years. The maximal benefit basis is 6 B.a. The benefit rate per day is 0.24 per cent of the calculation basis and is paid five days a week. This will normally give an annual compensation of 62.4 per cent of the calculation basis. A supplement of NOK 35 per day is granted for each dependent child under the age of 18.

As from 2023 a so-called holiday supplement applies to beneficiaries who have received unemployment benefit for more than eight weeks during the preceding calendar year (2022). The holiday supplement amounts to 9.5 per cent of each beneficiary's received (gross) unemployment benefit the preceding year, and is paid in June.

As per 1 May 2023, the B.a. is NOK 118 620 , cf. Part VI below.

The maximum amount is NOK 1 708 1 per day, which equals NOK 8 541per week.

**Title 1B:**

The "skilled manual male employee" is determined by Statistics Norway, in accordance with paragraph 6, sub-paragraph (a). Recourse is had to Article 65 of the Code, Article 65 of C102 and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery").

**Title 1 C:**

In 2022, the average annual pay for male full-time employees in this category was NOK 512 400. This equals a monthly income of NOK 42 700.

**Title II:**

The standard beneficiary is a man with a wife and two children (below 18 years), with an income of NOK 512 400.

**Title II D:**

Amount of unemployment benefit per day (0.24 per cent of NOK 512 400 ) NOK 1 230 + a child supplement (NOK 35 per day per child x 2) NOK 70 = NOK 1 300. Monthly benefit: NOK 25 977.

**Title II E:**

Child benefits for two children 18 years (one child under 6 years of age and one child above the age of 6) below equals NOK 2 730 per month. Child benefits are payable to everyone, whether being employed or not.

**Title II F:**

See D above.

**Title II G:**

Monthly benefit and child benefits for a standard beneficiary (man with a wife and two children below the age of 18): NOK 24 123 + NOK 2 730 = NOK 26 231.

This equals 64.0 per cent of the average skilled manual male employee's monthly income (monthly pay + monthly child benefits).

**Title V:**

See above. The benefits and child benefits are calculated irrespectively of gender. Dependant's allowances are given for children, but not for spouses.

## **IV – 5. Qualifying period**

***§1(f) Article 1 C102, §1(i) Article 1 ECSS***

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

***Article 23. C102 and ECSS***

*The benefit specified in Article 22 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.*

***Article 17. C168***

- 1. Where the legislation of a Member makes the right to unemployment benefit conditional upon the completion of a qualifying period, this period shall not exceed the length deemed necessary to prevent abuse.*
- 2. Each Member shall endeavour to adapt the qualifying period to the occupational circumstances of seasonal workers.*

There is no qualifying period as described in Article 1 paragraph 1 (i) as a "period of contribution, or a period of employment, or a period of residence, or any combination thereof" in order to be eligible for Unemployment Benefit.

However, it is a condition for entitlement to Unemployment Benefit that the beneficiary have had income from work of minimum 1.5 B.a. (NOK 177 930) during the last 12 calendar months before the application date or 3 B.a. (NOK 355 860) during the last 36 calendar months before the application date, cf. paragraph 1 of Section 4-4 of the National Insurance Act. Daily Cash Benefits in the Case of Sickness granted for maternity related

illnesses, pregnancy benefits and parental benefits are considered as equal to income from work in this respect.

The same requirement of minimum income applies to all beneficiaries. No special rules have been adopted for seasonal workers. The required minimum income is at such a level that most part-time workers and seasonal workers will fulfil the requirement.

In Norway, one is automatically insured against unemployment through the National Insurance Scheme. For entitlement to Norwegian unemployment benefits, one must satisfy a number of criteria. I.a. the working hours must be reduced by at least 50 per cent and one must have had a certain minimum income during the last twelve months (or the last 36 months) prior to the application date, cf. the National Insurance Act sections 4-3 and 4-4.

The same rules apply to all workers, including seasonal workers.

#### IV - 6. Waiting Period

##### **§3 §4 Article 24. C102 and ECSS**

*3. The benefit need not be paid for a waiting period of the first seven days in each case of suspension of earnings, counting days of unemployment before and after temporary employment lasting not more than a prescribed period as part of the same case of suspension of earnings.*

*4. In the case of seasonal workers the duration of the benefit and the waiting period may be adapted to their conditions of employment.*

##### **Article 18. C168**

*1. If the legislation of a Member provides that the payment of benefit in cases of full unemployment should begin only after the expiry of a waiting period, such period shall not exceed seven days.*

*2. Where a declaration made in virtue of Article 5 is in force, the length of the waiting period shall not exceed ten days.*

*3. In the case of seasonal workers the waiting period specified in paragraph 1 above may be adapted to their occupational circumstances.*

Section 4-9 of the National Insurance Act provides for a waiting period of three days. Unemployment benefit may be paid when the insured person has been unemployed and has been registered with the Labour and Welfare Service as a genuine job-seeker for at least three days during the last fifteen days, Saturdays and Sundays not included.

The waiting period can be prolonged to 18 weeks if the applicants have become unemployed by their own choice or fault (e.g., dismissal for misconduct, leaving a job voluntarily without a reasonable ground), and a further 6 months in case of reoccurrence within a 12 months period, cf. NIA section 4-10.

The length of the waiting period does not vary for other reasons.

No special rules have been adopted for seasonal workers.

#### IV - 7. Minimum duration of Benefit

##### **§1 §2 Article 24 C102 and ECSS**

*1. The benefit specified in Article 22 shall be granted throughout the contingency, except that its duration may be*

limited,

(a) where classes of employees are protected, to 13 weeks within a period of 12 months, [or to 13 weeks in each case of suspension of earnings - ECSS]; or

(b) where all residents whose means during the contingency do not exceed prescribed limits are protected, to 26 weeks within a period of 12 months; [provided that the duration of the prescribed benefit, guaranteed without means test, may be limited in accordance with sub-paragraph a of this paragraph - ECSS].

2. Where national laws or regulations provide that the duration of the benefit shall vary with the length of the contribution period and/or the benefit previously received within a prescribed period, the provisions of paragraph 1 of this article shall be deemed to be fulfilled if the average duration of benefit is at least 13 weeks within a period of 12 months.

#### **Article 19. C168**

1. The benefits provided in cases of full unemployment and suspension of earnings due to a temporary suspension of work without any break in the employment relationship shall be paid throughout these contingencies.

2. Nevertheless, in the case of full unemployment:

(a) the initial duration of payment of the benefit provided for in Article 15 may be limited to 26 weeks in each spell of unemployment, or to 39 weeks over any period of 24 months;

(b) in the event of unemployment continuing beyond this initial period of benefit, the duration of payment of benefit, which may be calculated in the light of the resources of the beneficiary and his or her family in accordance with the provisions of Article 16, may be limited to a prescribed period.

3. If the legislation of a Member provides that the initial duration of payment of the benefit provided for in Article 15 shall vary with the length of the qualifying period, the average duration fixed for the payment of benefits shall be at least 26 weeks.

4. Where a declaration made in virtue of Article 5 is in force, the duration of payment of benefit may be limited to 13 weeks over any periods of 12 months or to an average of 13 weeks if the legislation provides that the initial duration of payment shall vary with the length of the qualifying period.

5. In the cases envisaged in paragraph 2 (b) above each Member shall endeavour to grant appropriate additional assistance to the persons concerned with a view to permitting them to find productive and freely chosen employment, having recourse in particular to the measures specified in Part II.

6. The duration of payment of benefit to seasonal workers may be adapted to their occupational circumstances, without prejudice to the provisions of paragraph 2 (b) above.

The benefit period varies depending on earlier income from work. Income from work amounting to at least 2 B.a. (NOK 237 240) gives a benefit period of 104 weeks (2 years). Income amounting to less than 2 B.a. gives a benefit period of 52 weeks (1 year), cf. paragraph 1 of Section 4-15 of the National Insurance Act. When the initial benefit period has expired, a subsequent benefit period may immediately be granted, provided that the requirements concerning previous income are met again.

The benefit period is 26 weeks within a period of 18 months in cases of suspension of earnings due to a temporary suspension of work without any break in the employment relationship (temporary layoffs). This benefit period is usually adjusted according to the changing economic situation. Thus, during the Covid-19-pandemic, special rules applied (prolonged duration of periods).

## **IV - 8. Provisions of Medical Care to unemployed**

#### **Article 23. C168**

1. Each Member whose legislation provides for the right to medical care and makes it directly or indirectly conditional upon occupational activity shall endeavour to ensure, under prescribed conditions, the provision of medical care to persons in receipt of unemployment benefit and to their dependants.

See under Part II-3: Medical Care is provided to all residents.

#### **IV – 9. Acquisition of the right to other benefits**

##### **Article 24. C168**

*1. Each Member shall endeavour to guarantee to persons in receipt of unemployment benefit, under prescribed conditions, that the periods during which benefits are paid will be taken into consideration:*

*(a) for acquisition of the right to and, where appropriate, calculation of disability, old-age and survivors' benefit, and*

*(b) for acquisition of the right to medical care and sickness, maternity and family benefit after the end of unemployment, when the legislation of the Member concerned provides for such benefits and makes them directly or indirectly conditional upon occupational activity.*

*2. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraph 1 above may be deferred.*

Periods during which unemployment benefits are paid are taken into consideration for acquisition of the right to, and the calculation of disability benefit, old-age benefit, and survivors' benefit.

The right to sickness benefit and parental benefit is earned through occupational activity. Periods during which unemployment benefits have been paid, are in this regard considered to be equal to occupational activity.

Medical Care is provided to all residents, see Part II-3.

#### **IV – 10. Adjustment of scheme to part-time workers**

##### **Article 25. C168**

*1. Each Member shall ensure that statutory social security schemes which are based on occupational activity are adjusted to the occupational circumstances of part-time workers, unless their hours of work or earnings can be considered, under prescribed conditions, as negligible.*

*2. Where a declaration made in virtue of Article 5 is in force, the implementation of paragraph 1 above may be deferred.*

The same rules apply for part-time workers as for full-time workers.

The required minimum income is set at a level that ensures that part-time workers are able to fulfil the requirement.

#### **IV – 11. Special provisions for new applicants for employment**

##### **Article 26. C168**

*1. Members shall take account of the fact that there are many categories of persons seeking work who have never been, or have ceased to be, recognised as unemployed or have never been, or have ceased to be, covered by schemes for the protection of the unemployed. Consequently, at least three of the following ten categories of persons seeking work shall receive social benefits, in accordance with prescribed terms and conditions:*

*(a) young persons who have completed their vocational training;*

*(b) young persons who have completed their studies;*

*(c) young persons who have completed their compulsory military service;*

- (d) persons after a period devoted to bringing up a child or caring for someone who is sick, disabled or elderly;*
  - (e) persons whose spouse had died, when they are not entitled to a survivor's benefit;*
  - (f) divorced or separated persons;*
  - (g) released prisoners;*
  - (h) adults, including disabled persons, who have completed a period of training;*
  - (i) migrant workers on return to their home country, except in so far as they have acquired rights under the legislation of the country where they last worked;*
  - (j) previously self-employed persons.*
2. Each Member shall specify, in its reports under article 22 of the Constitution of the International Labour Organisation, the categories of persons listed in paragraph 1 above which it undertakes to protect.
3. Each Member shall endeavour to extend protection progressively to a greater number of categories than the number initially protected.

The following categories of persons seeking work may receive unemployment benefits, in accordance with prescribed terms and conditions:

*Article 26.1.c) young persons who have completed their compulsory military service;*  
Persons who have completed their compulsory military service may receive unemployment benefit for up to 26 weeks while they apply for work.

*Article 26.1.d) persons after a period devoted to bringing up a child or caring for someone who is sick, disabled, or elderly;*  
Unmarried persons who, for a period of five years or more, have been devoted to caring for a closely related person, may receive benefit to former family nurses. The benefit can be given as a pension or as a transitional benefit. Former family nurses may also receive education benefit and grants to cover necessary moving expenses in order to gain employment.

Single parents are entitled to benefits if unmarried, divorced or separated and not living with a life partner. As a main rule, transitional benefit may be granted until the youngest child attains the age of eight, but not for more than a total of three years. Single parents that have already received a full benefit period may only receive the transitional benefit for up to one year if applying for a new benefit period for a new child. It is an activity requirement, which states that benefit recipients must be working or studying at least 50 per cent of normal working time or actively searching for employment when the child has attained the age of 1.

Single parents may also be granted childcare benefit, study grant and supplementary benefit to cover expenses connected to work, study or employment schemes participation. Persons who have had parental leave and received parental benefits, are entitled to unemployment benefit while he or she applies for work, see under Part IV-9 Acquisition of the right to other benefits.

*Article 26.1.h) adults, including disabled persons, who have completed a period of training;*  
Disabled persons, who have completed a period of training, can be granted Vocational Rehabilitation Allowance for up to six months while he or she applies for work.

According to the Social Services Act, those unable to support themselves by working or exercising financial rights are entitled to financial support. Social assistance is

complementary to all other subsistence allowances and is provided as a last resort benefit. The support should aim at making the person self-supporting. All the groups mentioned in Article 26(1) (a) to (g) and (j) may apply for assistance in accordance with the Social Services Act.

#### IV - 12. Promotion of productive employment

##### **Article 7. C168**

*Each Member shall declare as a priority objective a policy designed to promote full, productive and freely chosen employment by all appropriate means, including social security. Such means should include, inter alia, employment services, vocational training and vocational guidance.*

High employment and low unemployment are key economic policy priorities for the Norwegian Government. The Government has actively used fiscal policy to counter unemployment. After three years of economic upswing, the corona crisis led to a sudden stop in the Norwegian economy. The labour market was largely affected, and we have never seen such a sharp rise in unemployment, which reached a top in April 2020. . In February 2022, the Norwegian Government removed all regulatory measures against Covid-19, and since then the registered unemployment rate has been at pre-crisis levels. The employment policy seeks to facilitate a flexible labour market, to enable as many people as possible to work and use their abilities, and to offer businesses access to the skills they need. Job search assistance and guidance are key. Active labour market programmes remain an important part of efforts to help the unemployed to return to work, and to protect vulnerable groups with weak or outdated skills and health problems against permanent exclusion from the labour force. See also report under Articles 8 and 9.

High employment is a cornerstone of the Norwegian society. The overall percentage of the working-age population in employment, is relatively high, in large part due to high participation rates among women and older workers.

However, certain employment trends have been a cause for concern:

- Employment rates among men and younger persons have declined over time, although the employment rate increased somewhat in the recovering period from 2017 to 2019 and in 2021 to 2022. A concern is that the proportion of people under the age of 30 who receive disability benefit has more than doubled in the last decade.
- The proportion of non-labour force participants due to illness or impaired work capacity is higher in Norway than in many other countries.

A government-appointed expert group "The Employment Commission" submitted a report on employment trends in Norway and proposed policies for improving participation in the labour market (NOU 2019: 7). In the second phase, the social partners



joined the commission. The commission then submitted the second report at the beginning of 2021 (NOU 2021: 2).

**Article 8.**

1. Each Member shall endeavour to establish, subject to national law and practice, special programmes to promote additional job opportunities and employment assistance and to encourage freely chosen and productive employment for identified categories of disadvantaged persons having or liable to have difficulties in finding lasting employment such as women, young workers, disabled persons, older workers, the long-term unemployed, migrant workers lawfully resident in the country and workers affected by structural change.

2. Each Member shall specify, in its reports under article 22 of the Constitution of the International Labour Organisation, the categories of persons for whom it undertakes to promote employment programmes.

3. Each Member shall endeavour to extend the promotion of productive employment progressively to a greater number of categories than the number initially covered.

**Article 9**

*The measures envisaged in this Part shall be taken in the light of the Human Resources Development Convention and Recommendation, 1975, and the Employment Policy (supplementary Provisions) Recommendation, 1984.*

The Norwegian Ministry of Labour and Social Inclusion is committed to an active labour market policy.

The Norwegian Labour and Welfare Administration is universal, mainstreamed, state financed and nation-wide. The aim is to cut down passive periods and facilitate paid work, through a variety of active labour market measures. This includes e.g. labour market training, covering both private and public sector. Training in a sheltered environment, on temporary or permanent basis, is provided for people who are not able to participate in training in the ordinary labour market.

For the unemployed, emphasis is put on active job-seeking throughout their period of unemployment. However, some job-seekers may need more assistance. Counselling and labour market measures, such as short courses and training, work experience, follow-up and wage subsidies, are frequently used when assisting unemployed persons into finding a job.

**Active Labour Market Measures**

Labour market measures are amongst the most important policy instruments aimed at promoting a well-functioning labour market. Labour market measures aim at contributing to increased participation in employment, reduced unemployment and combating exclusion by helping people with problems on the labour market, to find work and become active.

Due to lower unemployment in 2022, compared to 2021, the labour market measures were reduced in the state budget for 2023. Overall, places in labour market measures are expected to be approximately 55 500 in 2023. Youth, immigrants from non-EEA countries and long-term unemployed are given priority for attendance. A large share of the measures is offered to persons with reduced work capacity.

To meet the high qualification requirements of the Norwegian labour market, there have been certain changes in the education and retraining programs. The training measure (one of several active labour market policy programmes) focuses more on increasing the formal qualifications of the recipients. Job-seekers can be offered short-term courses, vocational training, or higher education. Since the regulatory framework for the training measure changed in 2019, there has been a clearer prioritisation of vocational training. In the last year, vocational training is the training measure that has increased the most.

To improve the education and retraining programs, the labour authorities cooperate with the education authorities at national and local levels. Local cooperation models have been developed with the aim of getting more people to complete vocational training. A grant scheme is established to stimulate cooperation between the Labour and Welfare Service and county municipalities to offer education that is adapted to the needs of job-seekers. To increase the expertise of the education system for employees working in the Labour and Welfare Service and to ensure more cooperation with county authorities, training coordinators have been appointed in all Norwegian counties. In addition, an experiment of training of longer duration than the current time frame of the training measure has been established with the aim of increasing the qualifications of groups with lower basic skills.

It is important to develop and strengthen the services for unemployed persons with mental or drug-related problems, to increase their possibilities to take part in working life while in medical treatment. Individual Placement and Support (IPS) is a model of supported employment for persons with serious mental illness, involving both the Labour and Welfare Administration and the health service at the same time and offering a close follow up into working life. The method has proven to be very efficient and has been strengthened over the last years. From 2021 Individual Placement and Support is tried out for young people under the age of 30 through IPS young. The goal is for more young people with moderate to severe mental health problems or substance abuse problems to complete education/apprenticeships and get into ordinary work.

The possibility of combining unemployment benefits with education has recently been liberalized. As of 1 October 2021, persons who are fully unemployed or fully laid off are eligible for participating in education while receiving unemployment benefits. This is conditional on complying with certain conditions relating to having acquired a certain age and having absolved a prior mandatory job seeking period. Lower-level education such as primary school, junior high school or high school is admitted on a full-time basis during the full length of the benefit period. This also applies to vocational school. Higher education is accepted with a study progression of maximum 50 percent and a duration of maximum one year. For persons who combine unemployment benefits with education, the requirement of being a genuine job-seeker and being willing to terminate the education when offered a job, persists.

### ***A more targeted effort for long-term unemployed persons***

It is especially important to prevent long-term inactivity, and an enhanced and more targeted effort for long-term unemployed persons who are near the end of their unemployment benefit period has been introduced accordingly. For the majority of unemployed persons, the maximum duration of unemployment benefits is two years. This intensified effort targets recipients of unemployment benefits who are approaching the end of the maximum benefit-period. The intensified effort was initiated in 2017 and has been continued since.

### ***Better integration of refugees into the labour market***

The Norwegian Government's main goal with the integration policy, is to get more immigrants into employment, to build strong communities and common areas, to promote gender equality and to prevent negative social control. The new Integration Act was implemented in January 2021. The Integration Act provides the framework by which immigrants with refugee background can receive the necessary training for work or education and regulates the Introduction Programme and Norwegian Language Training and Social Studies.

The objectives of the new Integration Act are that more refugees will gain formal education through the Introduction Programme with more individually tailored programs and that the counties are made responsible for making plans for qualifications of immigrants and for offering career guidance. The new Integration Act also introduces a requirement that each individual shall achieve a minimum level of Norwegian language.

Refugees have a right and a duty to follow the Introduction Programme, an individually adapted full-time program. The aim of the Introduction Programme is to provide participants with fundamental Norwegian skills and insight into the Norwegian society, as well as to prepare the participant for employment or further education. The municipalities are responsible for providing the Introduction Programme. The Labour and Welfare Administration (NAV) is to cooperate with the municipalities on including labour market measures from NAV in the Introduction Programme, when this is considered necessary in order to help the participants into employment.

A "fast track" into the labour market was introduced in 2016 for refugees who possess skills and qualifications that are sought after in the Norwegian labour market. The Government aims to simplify the current schemes and fast-track approval of immigrants' skills and qualifications. From 1 January 2021 this was integrated as a standard element in the Introduction Programme.

The Norwegian Labour and Welfare Administration may offer wage subsidies along with close follow-up and guidance from the Labour and Welfare Administration in combination with Norwegian language training. Reference is made to Norway's report on the implementation of C168 Article 30 for more information on the wage subsidies scheme.

Due to the large number of Ukrainian refugees in Europe as a consequence of the war in Ukraine, temporary amendments to several Acts, including the Integration Act, for the group of refugees from Ukraine, have been implemented. In order to lower the statutory requirements, the number of compulsory elements in the Introduction Programme are reduced for beneficiaries of temporary collective protection. For instance, persons in this group have a right, but not an obligation, to participate in the introduction program for six months, with the possibility of an extension of up to six months. For those who do not have an education at upper secondary level, the program can last for up to three years, with the possibility of extension for up to one year. The program shall consist of work- or education-oriented elements, an offer of language training and parental guidance. A right to Norwegian language training after settlement applies for one year from the time of start-up of the training, but there is not an obligation to participate for beneficiaries of temporary protection.

#### ***Youth are prioritized***

To fully clarify the prioritization of young people and facilitate early intervention, a new youth initiative was introduced under the auspices of the Norwegian Labour and Welfare Administration in 2017. The initiative should ensure that young people not in work, education, or other activity, are offered labour market measures or reinforced and individually adapted work-oriented follow-up quickly. The target group is young people under the age of 30, including the unemployed and people with reduced working capacity, also covering young recipients of the Work Assessment Allowance (AAP). The follow-up is mainly executed using interdisciplinary youth teams and youth counsellors at the local PES-offices. These collaborate with upper secondary schools, the health sector, the child welfare service, and employers.

Since 2017, the youth effort has been strengthened with allocations to labour market measures and follow-up resources, but also through implementation of new measures targeting young people. In 2023, the Norwegian government is introducing a new and reinforced Youth Guarantee. The Youth Guarantee will ensure that young people aged 16 to 30 receive early intervention and close follow-up for as long as necessary. This will help to reduce passive periods outside work and education. The aim is to get more young people into ordinary work. With fewer users per counsellor, the follow-up will be more comprehensive, systematic, and targeted. The counsellor will be a permanent contact person and will coordinate assistance from other actors and support services.

#### ***Permanently adapted work***

The program Permanently Adapted Work ("VTA") provides people with severe disabilities with employment in the adapted labour market. Most participants are employed in sheltered workshops, but approximately one out of four are employed in an ordinary workplace. The number of places in VTA' is at a historically high level in 2023 with approximately 12 500 places.

**Article 30. C168**

*In cases where subsidies are granted by the State or the social security system in order to safeguard employment, Members shall take the necessary steps to ensure that the payments are expended only for the intended purpose and to prevent fraud or abuse by those who receive such payments.*

National and international research show that in general, labour market measures carried out in a regular workplace yield better results than training measures in a sheltered environment. Because of this knowledge, the Norwegian Government has increased labour market efforts through programmes where the job-seeker is placed directly in an ordinary firm, such as wage subsidies.

In 2019 the Government made changes to the Wage Subsidies Scheme. The main adjustment is that the refund rates are fixed, and no longer negotiable. The amendment will prevent unnecessary use of time and resources on negotiations between employers and the Labour and Welfare Administration. The use of Wage Subsidies as a labour market measure has increased almost 30 percent in 2021 compared to 2019.

The Norwegian Labour and Welfare Administration has been substantially strengthened over the years, to improve their follow-up services for employers and employees. There are also schemes that reimburse employers that have incurred costs associated with adapting the workplace for disabled workers, cost for mentors etc.

#### **IV - 13. Suspension of Benefit**

**See under Part XIII-1**

**Article 20. C168**

*The benefit to which a protected person would have been entitled in the cases of full or partial unemployment or suspension of earnings due to a temporary suspension of work without any break in the employment relationship may be refused, withdrawn, suspended or reduced to the extent prescribed-*

- (a) for as long as the person concerned is absent from the territory of the Member;*
- (b) when it has been determined by the competent authority that the person concerned had deliberately contributed to his or her own dismissal;*
- (c) when it has been determined by the competent authority that the person concerned has left employment voluntarily without just cause;*
- (d) during the period of a labour dispute, when the person concerned has stopped work to take part in a labour dispute or when he or she is prevented from working as a direct result of a stoppage of work due to this labour dispute;*
- (e) when the person concerned has attempted to obtain or has obtained benefits fraudulently;*
- (f) when the person concerned has failed without just cause to use the facilities available for placement, vocational guidance, training, retraining or redeployment in suitable work;*
- (g) as long as the person concerned is in receipt of another income maintenance benefit provided for in the legislation of the Member concerned, except a family benefit, provided that the part of the benefit which is suspended does not exceed that other benefit.*

**Article 21. C168**

*1. The benefit to which a protected person would have been entitled in the case of full unemployment may be refused, withdrawn, suspended or reduced, to the extent prescribed, when the person concerned refuses to accept suitable employment.*

*2. In assessing the suitability of employment, account shall be taken, in particular, under prescribed conditions and to an appropriate extent, of the age of unemployed persons, their length of service in their former occupation, their acquired experience, the length of their period of unemployment, the labour market situation, the impact of the employment in question on their personal and family situation and whether the employment is vacant as a direct result of a stoppage of work due to an on-going labour dispute.*

To be entitled to unemployment benefit, the job-seeker is required to stay in Norway. The unemployment benefit will be temporarily stopped for as long as the person concerned is absent from the territory.

If a person without reasonable grounds is considered to be unemployed by his or her own choice, i.e. if he or she has given notice voluntarily, refused to take a suitable job or refused to participate in labour market measures, the benefits may temporarily be suspended for 18 weeks. In the case of reoccurrence, the temporary suspension will last for 26 weeks.

What constitutes a reasonable ground to reject a job offer, is a concrete assessment. Such assessment will among other things emphasize how long the job-seeker has been unemployed, previous work experience, if the offered job can give valuable working experience, the labour market situation and the probability of getting a job which corresponds to the job-seeker's qualifications.

The beneficiaries are not required to take:

- work that is remunerated below the level of the unemployment benefit or paid substantially under tariff or custom;
- work that is not compatible with their health or age;
- work that in important areas does not comply with the safety provisions of the Norwegian Working Environment Act;
- work that is solely paid on provision paid basis;
- work abroad;
- particularly risky work.

The list above is not exhaustive.

Regular reviews show that the job-seekers in practice are not referred to unsuitable work the first three months of the benefit period, reference is made to Report 2016-ECSS. Cf. Part IV-2.

If a person has been unemployed and has received unemployment benefit for some time and the Norwegian Labour and Welfare Service assesses that the job-seeker will improve his/her possibilities on the labour market if she/he participates in a labour market programme, the consequence of a refusal to accept participation will be suspension of the unemployment benefit for 18 weeks. In the case of reoccurrence, the temporary

suspension will last for 26 weeks. When considering whether participation in labour market programs will improve the job-seeker's possibilities on the labour market, emphasis is placed on the job-seeker's skills, education and work prospects.

If a beneficiary deliberately provides incorrect information which affects the entitlement to unemployment benefits, or fails to provide information relevant to the right to benefits, he/she may be suspended from the right to unemployment benefit for a period of up to 12 weeks. In the case of reoccurrence, the temporary suspension can be up to 26 weeks.

The benefit may be refused or withdrawn during the period of a labour dispute, if the person concerned has stopped work to take part in a labour dispute or when he or she is prevented from working as a direct result of a stoppage of work due to this labour dispute.

#### **IV - 14. Right of complaint and appeal**

*See under Part XIII-2*

##### **Article 27. C168**

*1. In the event of refusal, withdrawal, suspension or reduction of benefit or dispute as to its amount, claimants shall have the right to present a complaint to the body administering the benefit scheme and to appeal thereafter to an independent body. They shall be informed in writing of the procedures available, which shall be simple and rapid.*

*2. The appeal procedure shall enable the claimant, in accordance with national law and practice, to be represented or assisted by a qualified person of the claimant's choice or by a delegate of a representative workers' organisation or by a delegate of an organisation representative of protected persons.*

The decision to refuse, withdraw, suspend or reduce unemployment benefits may be appealed to the Labour and Welfare Service (NAV) Appeals Unit, which will review all aspects of the case. The same applies to disputes over the amount of the benefit. The NAV Appeals Unit will assess the viewpoints of the appellant and can also, at its own initiative, examine circumstances that are not mentioned in the complaint. Decisions made by the NAV Appeals Unit can be appealed to the National Insurance Court, an independent appeals body that hears appeals against NAV's decisions concerning the rights and obligations of the individual. The decisions of the National Insurance Court may be appealed to the Court of Appeal. Reference is made to the information provided in Part XIII - 2.

#### **IV - 15. Financing and Administration**

*See under Part XIII-3*

##### **Article 28. C168**

*Each Member shall assume general responsibility for the sound administration of the institutions and services entrusted with the application of the Convention.*

##### **Article 29. C168**

*1. When the administration is directly entrusted to a government department responsible to Parliament, representatives of the protected persons and of the employers shall be associated in the administration in an advisory capacity, under prescribed conditions.*

*2. When the administration is not entrusted to a government department responsible to Parliament -*

*(a) representatives of the protected persons shall participate in the administration or be associated therewith in an advisory capacity under prescribed conditions;*  
*(b) national laws or regulations may also provide for the participation of employers' representatives;*  
*(c) the laws or regulations may further provide for the participation of representatives of the public authorities.*

The application of the legislation concerning unemployment benefits under this Convention is delegated to the Norwegian Labour and Welfare Service.

#### **Administrative Organization**

The Norwegian Ministry of Labour and Social Affairs provides general supervision.

<https://www.regjeringen.no/en/dep/asd/id165/>

The Norwegian Labour and Welfare Service (NAV) administers the program nationally.

<https://www.nav.no/en/Home>



## Part V. Old-age Benefit

**Norway has accepted the obligations resulting from Part V of the ECSS, as amended by its Protocol, and Part III of C128.**

### List of applicable legislation

- National Insurance Act (folketrygdloven) of 28 February 1997, with later amendments
- Child Benefit Act (barnetrygdloven) of 8 March 2002, with later amendments

### V - 1. Regulatory framework

#### **Article 25. ECSS**

*Each Contracting Party for which this part of the Code is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Part.*

#### **Article 14. C128**

*Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Part.*

By an Act of 5 June 2009, a new Chapter 20 was introduced in the National Insurance Act. This Chapter contains the provisions concerning the new, general old-age pension system. The main features of the new pension system are that pensions may be drawn from the age of 62. The system of pension earning in the new old-age pension scheme is designed in such a way that pension capital is accumulated through income from work or through other types of pension earning, between the ages of 13 and 75. Individuals will each year increase their pension capital with an amount corresponding to 18.1 per cent of their pensionable income, up to a ceiling of 7.1 B.a. The pension capital may also be increased as a result of e.g. unpaid care, service as a conscript or receipt of unemployment benefits. The pension capital is adjusted annually in line with the growth in wages.

The flexible pension drawing from the age of 62 was introduced with effect from 1 January 2011. The new provisions on old-age pension from the National Insurance Scheme will apply fully to persons born in 1963 or later, while persons born from 1954 to 1962 will be granted pensions with proportional parts from the old scheme and the new scheme. Persons born before 1954 will earn their pensions solely according to the old provisions.

### V - 2. Contingency covered

#### **Article 26. Protocol to the ECSS**

*1. The contingency covered shall be survival beyond a prescribed age.*

*2. The prescribed age shall be not more than 65 years or than such higher age that the number of residents having attained that age is not less than 10 per cent of the number of residents under that age but over 15 years. Provided that, where prescribed classes of employees only are protected, the prescribed age shall be not more than 65 years.*

*3. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if he is engaged in any prescribed gainful activity, or that the benefit, if contributory, may be reduced whenever the earnings of the beneficiary exceed a prescribed amount.*

**Article 15. C128**

1. *The contingency covered shall be survival beyond a prescribed age.*

2. *The prescribed age shall be not more than 65 years or such higher age as may be fixed by the competent authority with due regard to demographic, economic and social criteria, which shall be demonstrated statistically.*

3. *If the prescribed age is 65 years or higher, the age shall be lowered, under prescribed conditions, in respect of persons who have been engaged in occupations that are deemed by national legislation, for the purpose of old-age benefit, to be arduous or unhealthy.*

As part of the Pension Reform, the possibility of flexible drawing of old-age pensions was introduced for persons aged 62 to 75. Pension drawing may, according to the wishes of the individual concerned, begin at any time between attaining the age of 62 and attaining the age of 75. However, in order to draw an old-age pension before attaining the age of 67, the pension must, when the person in question attains the age of 67, at least be equal to the minimum pension level for persons with an insurance period of 40 years.

The pension may be drawn fully or partially. The drawing alternatives are 20, 40, 50, 60, 80 and 100 per cent. Work and pension may be combined, without deductions being made in the pension. If one continues to work, additional pension entitlement is earned, up to and including the year in which one attains the age of 75, even if one has already started drawing the pension.

Pensions drawn with effect from 2011 and later are subject to life expectancy adjustment. Life expectancy adjustment is a mechanism for securing the sustainability of the old-age pension scheme in face of the continued growth in life expectancy of the population. The mechanism links pensionable age or the pension level to the development in the population's life expectancy. When the life expectancy of the population increases, one will have to work a little longer in order to be entitled to the same annual pension, because the pension entitlement one has earned will be divided on a longer life expectancy. The pension is calculated by dividing one's pension capital by an annuity divisor. The divisor is determined on the basis of the remaining life expectancy at the time pension drawing begins. This mechanism entails that the annual pension amount will be higher, the longer pension drawing is deferred.

The provisions on pension drawing are designed to be neutral, meaning that the sum of the old-age pension one receives during one's period as a pensioner, shall be independent of when pension drawing starts.

*Old-age benefit. Article 15(2) and (3) of Convention No. 128. Pension age.* According to the report on Convention No. 128, old-age pension can be drawn between 62 and 75 years of age. There is a minimum old-age pension (garantipensjon) which is paid at a low, ordinary, high or special rate; the ordinary or high rates are paid respectively to a recipient who is married/cohabitates or lives alone. The guaranteed pension is determined on the basis of the insurance period (periods of residence) and is reduced proportionately in case of a shorter insurance period than 40 years. The Committee notes that the full ordinary rate of the guaranteed old-age pension after 40 years of insurance was NOK 162,566 in May 2015, which is higher than the amount of the old-age pension granted to an insured employee after 30 years of earning pension points

and 30 years of residence (NOK142,141), as calculated in the report. The Committee notes in this respect, from The Norwegian Social Insurance Scheme, January 2015, that in order to draw an old-age pension before attaining the age of 67, the pension must, when the person in question attains the age of 67, be at least equal to the minimum pension level for persons with an insurance period of 40 years. The Committee understands therefore, from the figures given above, that this condition would not be fulfilled by the pension acquired by the persons protected at the age of 67 under the standard scenario established by the Convention: with 30 years of contributions and earnings not exceeding the reference wage of the skilled manual male employee. Consequently, the effective age of retirement for all persons protected whose earnings do not exceed those of the skilled worker, would not be 65 but 67 years. The Committee point out in this respect that Article 26(2) of the European Code of Social Security (ECSS), as amended by the Protocol, which is also ratified by Norway, expressly prohibits increasing the pension age beyond 65 years where employees only are protected under the Code, as in Norway, while Article 15(2) of Convention No. 128 obliges the competent authority fixing the higher pension age to demonstrate statistically the need for such measure, taking into account the demographic, economic and social criteria. Moreover, as a counterbalance to the higher pension age, Article 15(3) of Convention No. 128 requires this age to be lowered in respect of persons who have been engaged in occupations that are deemed by national legislation, for the purpose of old-age benefit, to be arduous or unhealthy. **Recalling that Norway is bound by all of the above legal limitations and prohibitions regarding the increase of the pension age above 65 years, the Committee asks the Government to clarify the situation with the effective age of retirement under the conditions of entitlement prescribed by Convention No. 128 on the basis of detailed calculation of the old-age pension replacement rate under the standard scenario, taking into account the Committee's observations below.**

Norway's response:

Below, we intend to show that a general pensionable age of 67 is in compliance with Norway's international obligations. It must therefore also be acceptable to have a lower pensionable age for persons who have earned entitlement to pensions above a certain level at an earlier age.

As of 1 January 2019, the number of persons legally residing in Norway, who had attained the age of 67, was 805 694. At the same time, the number of persons legally residing in Norway, who had attained the age of 15, but who had not yet attained the age of 67, was 3 587 560. The number of residents who were 67 years or older therefore corresponded to approximately 22 per cent of the number of persons residing in Norway, who had attained the age of 15, but who had not yet attained the age of 67. This percentage has been stable at around 20 since 2000. In light of paragraph 2 of Article 26 of the Code, this should be more than sufficient to justify a pensionable age of 67 years.

We would like to point out that Article 26(2) of the European Code of Social Security, as amended by the Protocol, expressly prohibits increasing the pension age beyond 65 years "where prescribed classes of employees only are protected". The Norwegian old-age pension scheme covers all those who are insured under the scheme (as a general rule all residents), irrespective of whether or not they are occupationally active. Furthermore, the income-based part of the old-age pension scheme covers all employees, irrespective

of their level of income. Even an income of 1 NOK will increase the pension capital (by 0.18 NOK). In light of this, we believe that the provision in Article 26(2) of the European Code of Social Security, as amended by the Protocol, which expressly prohibits increasing the pension age beyond 65 years "where prescribed classes of employees only are protected", is not applicable to the Norwegian scheme.

The ordinary pensionable age in Norway has been 67 years since 1973. In 1964, when Norway signed the European Code of Social Security, the life expectancy for women in Norway was 77 years. For men, the life expectancy was 71 years. Based on a pensionable age of 65, women would on average be expected to draw their pensions for 13 years, while men on average would be expected to draw their pensions for 6 years.

In 2019, life expectancy in Norway has increased to 84.5 years for women, and 81 years for men. Based on a pensionable age of 65, women would on average be expected to draw their pensions for 19.5 years, while men on average would be expected to draw their pensions for 16 years. In general, people over the age of 65 are in better health now than in previous generations.

By the end of 2018, nearly one million persons – 937 000 persons to be exact – received old-age pension from the Norwegian Social Insurance Scheme. And the number of pensioners is still increasing. On 1 January 2019, the workforce (persons between the ages of 15 and 67) consisted of 3 587 560 persons. This means that for each old-age pensioner, there are only 3.8 persons in the labour force.

### V - 3. Persons protected

#### **Article 27. Protocol to the ECSS**

*The persons protected shall comprise:*

- (a) prescribed classes of employees, constituting not less than 80 per cent of all employees; or*
- (b) prescribed classes of the economically active population, constituting not less than 30 per cent of all residents; or*
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.*

#### **Article 16. C128**

*1. The persons protected shall comprise:*

- (a) all employees, including apprentices; or*
- (b) prescribed classes of the economically active population, constituting not less than 75 per cent. of the whole economically active population; or*
- (c) all residents or residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 28.*

As a general rule, all persons who are either resident or working in Norway are compulsorily insured under the Norwegian National Insurance Scheme. Persons insured under the National Insurance Scheme are entitled to earning and drawing old-age pension. As is shown later in this report, Norway has two old-age pension schemes. The "old scheme", covering persons born in 1953 or earlier, and the "new scheme", covering persons born in 1963 or later. For persons born in the years 1954–1962, the old-age pension will consist of proportional parts calculated according to the new and the old earning provisions.

Both schemes have provisions which ensure a guaranteed flat-rate pension for persons who have never been part of the labour force and for those who have had low income.

In the old scheme, the income had to exceed the Basic amount before the person concerned started earning a supplementary pension. However, due to the flat-rate minimum pension, persons with a low income would be secured a relatively high replacement rate.

In the new scheme, income-based pension is accumulated on the basis of all pensionable income, earned between the ages of 13 and 75.

The persons protected by the Norwegian old-age pension scheme therefore comprise not only all employees, including apprentices, but all residents.

#### **V - 4. Level and Calculation of Benefit**

##### **Article 28. Protocol to the ECSS**

*The benefit shall be a periodical payment calculated as follows:*

*(a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;*

*(b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67. Provided that a prescribed benefit shall be guaranteed without means tests to the prescribed classes of persons determined in accordance with sub paragraphs a or b of Article 27, subject to qualifying conditions not more stringent than those specified in paragraph 1 of Article 29.*

##### **Article 17. C128**

*The old-age benefit shall be a periodical payment calculated as follows:*

*(a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;*

*(b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.*

As part of the Pension Reform, the possibility of flexible drawing of old-age pensions for persons aged 62 to 75 was introduced. In order to draw an old-age pension before attaining the age of 67, the pension must, when the person in question attains the age of 67, at least equal the minimum pension level for persons with an insurance period of 40 years.

The pension may be drawn fully or partially. The drawing alternatives are 20, 40, 50, 60, 80 and 100 per cent. Work and pension may be combined, without deductions being made in the pension. If one continues to work, additional pension entitlement is earned, up to and including the year in which one attains the age of 75, even if one has already started drawing the pension. Pensions drawn with effect from 2011 and later will be subject to a life expectancy adjustment. Life expectancy adjustment is a mechanism for securing sustainability of the old-age pension scheme in face of the continued growth in life expectancy of the population. The mechanism links pensionable age or the pension level to the development in the population's life expectancy. When the life expectancy of the population increases, one will have to work a little longer in order to be entitled to the same annual pension, because the pension entitlement one has earned will be divided on

a longer life expectancy. The pension is calculated by dividing one's pension capital by an annuity divisor. The divisor is determined on the basis of the remaining life expectancy at the time pension drawing begins. This mechanism entails that the annual pension amount will be higher, the longer pension drawing is deferred.

The provisions on pension drawing are designed to be neutral, meaning that the sum of the old-age pension one receives during one's period as a pensioner, shall be independent of when pension drawing starts.

The pension reform has also had an impact on the indexation provisions. Pensions under payment are adjusted by the average of wage and price growth. The minimum pension level is adjusted in the same way. Pension rights in the course of acquisition are indexed to the average wage rate.

As a consequence of the pension reform, new provisions have also been introduced for pension calculation for persons born after 1953. For persons born in the years 1954–1962, the old age-pension will consist of proportional parts calculated according to the new and the old earning provisions. Persons born in 1963 or later will have their entire pension calculated according to the new earning provisions.

#### **Old-age Pension – old provisions**

Old-age pension consists of a basic pension, a supplementary pension and/or a special supplement, and possible supplements for children and spouse (income-tested). For old-age pensions drawn with effect from 2011 or later, for persons born in 1943 or later, a pension supplement is granted instead of the special supplement.

Basic pension, supplementary pension and/or special supplement or pension supplement is divided by the person's annuity divisor at the time of drawing, and then adjusted depending on whether the pension is drawn fully or partially. Pensions under payment are adjusted by the average of wage and price growth.

#### **Basic Pension**

Persons, who are insured for pension purposes and who have a total insurance period of at least three years between the age of 16 and the year they become 66, are entitled to a basic pension. The condition of present insurance affiliation, does not apply to persons who have been insured for at least 20 years (on the basis of periods of residence etc.) or are entitled to a supplementary pension.

The basic pension is calculated on the basis of the insurance period, and is independent of previous income and contributions paid. A full basic pension requires an insurance period of minimum 40 years. If the insurance period is shorter, the basic pension will be proportionally reduced. A person with only five years of insurance, will receive 5/40 of a full basic pension.

For persons who are not insured for pension purposes and who have less than 20 years of insurance (based on residence periods etc.), the basic pension is calculated on the basis of the same number of years as the supplementary pension.

The full basic pension will be 90 per cent of the B.a. (NOK 106 758) if the pensioner's spouse (or a cohabitant whom he/she previously was married to, has or has had children together with or has been living with for at least 12 of the last 18 months) receives pension or has an annual income exceeding 2 B.a. (NOK 237 240).

For a single pensioner, a full basic pension equals 100 per cent of the B.a. (NOK 118 620). The rationale behind the differentiation between single pensioners and pensioners who are married/cohabitants, is that it is more expensive to be living alone.

The basic pension is divided by the person's annuity divisor at the time when the drawing of pensions start, and then adjusted depending on whether the pension is drawn fully or partially. Pensions under payment are adjusted by the average of wage and price growth.

The aim of the scheme is to maintain, to a certain degree, the accustomed standard of living upon retirement.

### **Supplementary Pension**

A person is entitled to a supplementary pension if his/her annual income exceeded the average B.a. of any year for five years after 1966. Full credit (pension points) is given for income up to 6 B.a. (NOK 711 720). Furthermore, 1/3 of income between 6 B.a. and 12 B.a. (NOK 1 423 440) is credited as pensionable income. (Before 1992, income up to 8 B.a. was credited at full rate, and income between 8 B.a. and 12 B.a. at 1/3.) Income exceeding 12 B.a. is disregarded.

The amount of the supplementary pension depends on the number of pension earning years and the annual pension points. A full supplementary pension requires as a general rule 40 pension-earning years. In the case of less than 40 pension-earning years, the pension is reduced proportionally.

Pension points are computed for each calendar year by dividing the pensionable income up to 6 B.a. (before 1992: 8 B.a.) minus one B.a., with the B.a. Income between 6 B.a. (before 1992: 8 B.a.) and 12 B.a. is divided by 3 B.a. The calculation uses the average B.a. for the year.

Example: If the pensionable income was six times the average B.a. in 2022:

$$\frac{(6 \times \text{NOK } 109\,784) - \text{NOK } 109\,784}{\text{NOK } 109\,784} = 5 \text{ pension points}$$

The maximal pension point, which can be credited for any one year, is 7. However, from 1971 to 1991, the maximal pension point was 8.33.

A full annual basic supplementary pension is 42 per cent (supplementary pension percentage) of the amount which appears when the current B.a. is multiplied by the average pension point figure for the person's twenty best income years (final pension point). If the person concerned has earned pension points for less than twenty years, the average of all pension point figures credited is used. For years prior to 1992, the supplementary pension percentage is 45. The supplementary pension is then divided by the pensioner's annuity divisor at the time of drawing, and then adjusted depending on whether the pension is drawn fully or partially. Pensions under payment are adjusted by the average of wage and price growth.

Persons who are taking care of children under 6 years of age and of disabled, sick and elderly persons at home, are credited a pension point figure in the supplementary pension scheme up to 3.50 (per year for the years 1992–2009). This corresponds to pension earning based on income from work of NOK 533 379. For years after 2009, they are credited an annual pension earning of 18.1 per cent of 4.5 B.a.

A surviving spouse etc. will at age 67 transfer to old age pension, and receive his/her personally acquired supplementary pension, or 55 per cent of the aggregated supplementary pension of both the survivor and the deceased, if this is more favourable.

### **Special Supplement/Pension Supplement**

Pensioners who have no supplementary pension, are entitled to a special supplement from the National Insurance Scheme. Pensioners who are only entitled to a small supplementary pension (not exceeding the level of the special supplement), are also entitled to a special supplement (In these cases, the amount of the supplementary pension is deducted from the amount of the special supplement. Disregarding this technicality, the result could be regarded as a "topping up" of the supplementary pension to the level of the special supplement.)

A full special supplement is payable if the insurance period is at least 40 years. The special supplement is reduced proportionally in the case of a shorter period.

To pensions drawn with effect from 2011 or later, for persons born in 1943 or later, a pension supplement is granted instead of the special supplement. The pension supplement equals the difference between the minimum pension level and the pension basis (basic pension and supplementary pension).

The minimum pension level is determined with several rates, depending on whether the beneficiary lives together with a spouse and the income of the spouse. The rules for spouses also apply to a pensioner who lives together with a partner with whom he/she has children or to whom he/she has previously been married.

A pensioner is entitled to the minimum pension level at the low rate if he/she is living with a spouse who is also receiving old-age pension or contractual pension from the public sector. If both spouses are receiving full retirement pension, they are covered by a



guarantee, specifying that their collective pensions will at least be equivalent to twice the minimum pension level at the ordinary rate.

A pensioner is entitled to the minimum pension level at the ordinary rate if he/she is living with a spouse who is receiving disability benefit.

A pensioner who is living with a spouse who is not receiving any of the aforementioned benefits, but who has an annual income, including capital income, which is greater than twice the basic amount, is entitled to a pension at the ordinary rate.

A pensioner is also entitled to a minimum pension at the ordinary rate if he/she in twelve of the last 18 months has lived with a person who:

- receives retirement pension, contractual pension or disability benefit,
- receives benefits as a surviving spouse or former family nurse,
- or has an annual income, including capital income, which is greater than twice the basic amount.

If the pensioner supports a spouse over the age of 60 and qualify for spouse's supplement, he/she is entitled to the minimum pension level according to a special rate.

In other cases than the ones listed above, a pensioner who is married will be entitled to the minimum pension level at the high rate. With effect from 1 September 2016, a new special rate was established for single pensioners, i.e. the high rate 1 May 2016 plus NOK 4 000. The minimum pension level for single old-age pensioners was increased by NOK 4 000 with effect from 1 September 2017. From the same date, the minimum pension level for old age pensioners who are married was increased by NOK 1 000. These increases are in addition to the ordinary annual adjustment with effect from 1 May. The minimum pension level for single old age pensioners was further increased by NOK 4 000 with effect from 1 September 2019. The minimum level for single old age pensioners was further increased by NOK 4 000 with effect from 1 May 2020. This level was increased further with NOK 5 000 with effect from 1 July 2021, and again with NOK 4 000 with effect from 1 January 2023.

The list below shows the development of the five rates in the period from 2011 to the present.

	Low rate	Ordinary rate	High rate	Special Rate	
				Single pensioner	Married or cohabiting pensioner
1 Jan. 2011	120 276	139 932	151 272	-	226 920
1 May 2011	125 338	145 822	157 639	-	236 471
1 May 2012	129 294	150 425	162 615	-	243 935

1 May 2013	133 546	155 372	167 963	-	251 957
1 Jan. 2014	133 546	155 372	167 963	-	261 957
1 May 2014	137 768	160 285	173 274	-	270 240
1 May 2015	139 728	162 566	175 739	-	274 085
1 May 2016	142 915	166 274	179 748	-	280 337
1 Sept. 2016	147 408	170 765	179 748	183 748	280 337
1 May 2017	148 225	171 711	180 744	184 766	281 891
1 Sept. 2017	149 225	172 711	181 744	188 766	282 891
1 May 2018	153 514	177 675	186 968	194 192	291 022
1 May 2019	157 171	181 908	191 422	198 818	297 955
1 Sept. 2019	157 171	181 908	191 422	202 818	297 955
1 May 2020	158 621	183 578	193 188	208 690	300 704
1 May 2021	166 242	192 408	202 470	218 717	315 152
1 May 2022	173 025	200 257	210 730	232 816	328 009
1 Jan. 2023	173 025	200 257	210 730	236 816	328 009
1 May 2023	187 801	217 359	228 726	257 040	356 021

A person with at least 40 years of insurance, is entitled to an unreduced minimum pension level at the age of 67. If the insurance period is shorter (but at least five years), the pension supplement is reduced proportionally.

Persons with refugee status in Norway are entitled to the minimum pension level without regard to the length of their period of national insurance coverage.

### **Old-age Pension - new provisions**

According to the new provisions, old-age pension consists of an income-based pension, calculated on the basis of previous income. A guaranteed pension will be granted to persons who have earned no, or only a small, income-based pension.

### **Income-based Pension**

All pensionable income earned between the ages of 13 and 75 counts towards the pension.

For each year of pension earning, a pension capital is accumulated. The annual pension earning equals 18.1 per cent of pensionable income. All income up to a ceiling of 7.1 the average B.a. (NOK 842 202) is included.

The income-based pension is determined on the basis of the pension capital at the time of drawing. The pension capital is then converted to an annual pension by dividing it by

the pensioner's annuity divisor. The annuity divisor reflects the remaining life expectancy at the time of drawing.

### **Guaranteed Pension**

Persons, who are insured for pension purposes and who have a total insurance period of five years between the age of 16 and the year they become 66, are entitled to a guaranteed pension. The condition of present insurance affiliation does not apply to persons who have been insured for at least 20 years (on the basis of periods of residence etc.).

The guaranteed pension is granted at two different rates, depending on whether the beneficiary lives together with a spouse and the income of the spouse/. The rules for spouses also apply to a pensioner who lives together with a partner with whom he/she has children or to whom he/she has previously been married. The guaranteed pension is determined on the basis of the insurance period, and is independent from both previous income and paid contributions. The guaranteed pension is reduced proportionally in the case of a shorter insurance period than 40 years.

The guaranteed pension is reduced by 80 per cent of the income-based pension.

The list below shows the development of the rates in the period from 2016 to the present.

	<b>Ordinary rate</b>	<b>High rate</b>
1 January 2016	162 566	175 739
1 May 2016	166 274	179 748
1 May 2017	167 196	180 744
1 May 2018	172 002	185 939
1 May 2019	176 099	190 368
1 May 2020	177 724	192 125
1 May 2021	186 263	201 356
1 May 2022	193 862	209 571
1 May 2023	210 418	227 568

1. Recourse is had to Article 16, paragraph 1 (a) and to Article 26.

cf. Article 26, Title I

Reference is made to previous reports for the provisions concerning the calculation of old-age benefit and to Article 10 above.

- A. Recourse is had to Article 26, paragraph 6 (a)

B. Recourse is had to Article 26, paragraph 9.  
 Based on the comments from the Committee of Ministers, the calculation below is based on 20 years of earning pension points for the husband and on 20 years of residence for both spouses.

Article 17

cf. Article 26, Title III

C) The standard beneficiary is a male born in January 1956, with previous wages in 2022 (cf. Article 10) amounting to NOK 512 400 and with 3.67 pension points (based on the average B.a. of 2022 = NOK 109 784), and an average of 3.67 pension points throughout his working career.

His wife, also born in January 1956, was supported by her husband before becoming a pensioner (she has thus not earned supplementary pension of her own).

They both start drawing their pensions in January 2023. The calculation is, however, based on the average B.a. of 2022 (NOK 109 784) in order to fulfil the requirements of paragraph 4 of Article 65 of the Code, concerning calculation "on the same time basis". We would, however, like to point out that for pensions drawn in January 2023, the calculation would in reality be made on the basis of the applicable B.a. as per January 2023 (NOK 111 477), which results in a slightly higher pension.

As a result of the spouses both being born in 1956, they will receive a pension from both the old and new old-age pension system. 70 per cent of the pension comes from the old system, while 30 per cent comes from the new system. The annuity divisor in the old and new pension system is 1.075 and 15.33, respectively.

D) Calculated old age pension

*Pension calculated according to old rules*

Basic pension	$\frac{\text{NOK } 109\,784 \times 20 \times 90}{40 \times 100} = \text{NOK } 49\,403$	
Supplementary pension	$\frac{\text{NOK } 109\,784 \times 3.67 \times 20 \times 42}{40 \times 100}$	= NOK 84 610
 The pension basis		 = NOK 134 013

Being born in January 1956, and starting to draw his pension with effect from January 2023, his annuity divisor is 1.075. 70 per cent of the annual benefit is based on old rules.

Amount of benefit granted a year	$\frac{\text{NOK } 134\,013 \times 70}{1.075 \times 100}$	= <u>NOK 87 264</u>
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*Pension calculated according to new rules*

$$\text{Calculated pension assets} \quad \frac{\text{NOK } 512\,400 \times 13^* \times 18.1}{100} = \text{NOK } 1\,205\,677$$

\* There are thirteen years of earnings because the new rules only have been in force since 2010.

Being born in January 1956, and starting to draw his pension with effect from January 2023, his annuity divisor is 15.33. 30 per cent of the annual benefit is based on new rules:

$$\frac{\text{NOK } 1\,205\,677 \times 30}{15.33 \times 100} = \text{NOK } 23\,594$$

$$\text{Amount of benefit granted a year} \quad (\text{NOK } 87\,264 + \text{NOK } 23\,594) = \text{NOK } 110\,858$$

The wife is entitled to an annual (residence based) old-age pension of her own, based on a 20-year period of residence, equal to 20/40 of the minimum pension level:

*Pension calculated according to old rules*

$$\frac{\text{NOK } 173\,025 \times 20 \times 70}{40 \times 100} = \text{NOK } 60\,559$$

*Pension calculated according to new rules*

$$\frac{\text{NOK } 193\,862 \times 20 \times 30}{40 \times 100} = \text{NOK } 29\,079$$

$$\text{Amount of benefit granted a year} \quad (\text{NOK } 60\,559 + \text{NOK } 29\,079) = \text{NOK } 89\,638$$

- G) Sum of benefits payable during contingency as a percentage of the standard wage payable during employment is

$$\begin{aligned} D/C &= (110\,858 + 89\,638) / 512\,400 = \\ &200\,496 / 512\,400 = 0.3912: 39.12\% \end{aligned}$$

**The Pension Insurance Scheme for Fishermen**

Reference is made to previous reports.

During the period under review, the annual benefit amounts for persons with maximum qualifying periods (1,560 weeks), were 1.6 B.a.

Fishermen with shorter qualifying periods, receive a proportionally reduced pension.

**The Pension Insurance Scheme for Seafarers**

Reference is made to previous reports.

Pension rates applying during the period under review (credited per month of service, up to a maximum of 360 months):

Period	Type of benefit	Officers	Sailors	
			For sea service before 1 May 1993	For sea service after 30 April 1993
2011 – 2019	Ordinary rate	0.91 per cent of B.a.	0.65 per cent of B.a.	0.76 per cent of B.a.

From 1 January 2020, the scheme was changed to a model where the sailors earn a pension of 6.3 per cent of income up to 12 B.a. This applies to persons hired after 1 January 2020 who had not reached the age of 50 at this time. The minimum period has been reduced from 12.5 years to 3 years.

*Article 17 of Convention No. 128. Calculation of the replacement rate of the old-age benefit.* The Committee notes that the old-age benefit of the standard beneficiary (man with wife of pensionable age) is composed of the basic pension and supplementary pension for the husband and the basic pension and the special supplement for his wife. The husband is born in 1951, starts drawing his pension at 65 and his annuity divisor is 1.156; his wife is born in 1949, starts drawing her pension at 67 and her annuity divisor is 1.030. The Committee observes that the selection of the standard beneficiary where the wife’s natural and pensionable age is two years older than her husband, is rather unexpected. **Recalling that the old-age pension in Norway can be drawn already at the age of 62, the Committee asks the Government to recalculate, in accordance with Article 26 of the Convention, the replacement rate of the old-age benefit for a married couple with both spouses retiring under the standard scenario at reaching the lowest legal pension age of 62 years. The Committee draws the Government’s attention that this calculation can also be done under Article 27 of the Convention by establishing the replacement rate of combined guaranteed minimum pensions granted to a married couple after 20 years of residence (insurance) in Norway.**

Norway's response:

Based on the comments from the Committee of Ministers, the calculation below is based on Article 26 of the Convention by establishing the replacement rate of the old-age benefit for a married couple with both spouses retiring under the standard scenario at reaching the lowest legal pension age of 62 years. The standard beneficiary is a male born in January 1958. The wife is also born in January 1958 and is supported by her husband until retirement.

Persons born between 1954 and 1962 will get their old age pension calculated in a combination of old and new pension rules. Being born in 1958, the old age pension is

calculated 50 per cent based on old new pension rules and 50 per cent based on new pension rules.

In order to draw an old-age pension before attaining the age of 67, the pension must, when the person in question attains the age of 67, at least be equal to the minimum pension level for persons with an insurance period of 40 years. The minimum pension level is reduced proportionally in the case of a shorter insurance period than 40 years if a pension has been earned in a country with which Norway has a social security agreement.

To be entitled to an annual old-age pension from 62 years, with 20 years of pension accrual in Norway and another country Norway has a social security agreement with, the pension of the beneficiary must equal 20/40 of the minimum pension level at the age of 67 years:

$$\frac{\text{NOK } 223\,194 \times 20}{40} = \text{NOK } 111\,597$$

A) The example assumes that the standard beneficiary has had average income of NOK 512 400 for 20 years when retiring at the age of 62 years. Given that the wife is inactive, she will not qualify for old age pension before attaining the age of 67.

B) Old age pension calculated with the old pension rules:

$$\text{Basic pension} \quad \frac{\text{NOK } 109\,784 \times 20 \times 90}{40 \times 100} = \text{NOK } 49\,409$$

$$\text{Supplementary pension} \quad \frac{\text{NOK } 109\,784 \times 3.67 \times 20 \times 42}{40 \times 100} = \text{NOK } 84\,611$$

$$\text{The pension basis} = \text{NOK } 134\,020$$

Being born in January 1958, and starting to draw his pension with effect from January 2023, his annuity divisor is 1.374. 50 per cent of the annual benefit is based on old pension rules:

$$\frac{\text{NOK } 134\,020 \times 5}{1.374 \times 10} = \underline{\text{NOK } 48\,602}$$

C) Old age pension calculated with the new pension rules:

$$\text{Calculated pension assets} \quad \text{NOK } 512\,400 \times 20 \times \frac{18.1}{100} = \text{NOK } 1\,854\,888$$

Being born in January 1958, and starting to draw his pension with effect from January 2023, his annuity divisor is 19.63. 50 per cent of the annual benefit is based on new pension rules:

$$\frac{\text{NOK } 1\,854\,888 \times 50}{19.63 \times 100} = \underline{\text{NOK } 47\,246}$$

$$\text{D) Amount of benefit granted a year} \quad \text{NOK } 48\,602 + \text{NOK } 47\,246 = \underline{\text{NOK } 95\,452}$$

The standard beneficiary is not entitled to retire at the age of 62 as the calculated old age benefit at 62 years is lower than 20/40 of the minimum pension level at the age of 67 years (NOK 111 597).

D) Sum of benefits during contingency as a percentage of the sum of the standard wage during employment is

$$(D)/(A) = 95\,452 / 512\,400 = 0.1863 = 18.6 \text{ per cent}$$

Based on the comments from the Committee of Ministers, the calculation below is based on 30 years of earning pension points for the husband and on 20 years of residence for both spouses.

A) The standard beneficiary is a male born in January 1956, with previous wages in 2022 (cf. Article 10) amounting to NOK 512 400 and with 3.67 pension points (based on the average B.a. of 2022 = NOK 109 784), and an average of 3.67 pension points throughout his working career. His wife, also born in January 1956, was supported by her husband before becoming a pensioner (she has thus not earned supplementary pension of her own). They both start drawing their pensions in January 2023.

As a result of the spouses both being born in 1956, they will receive a pension from both the old and new old-age pension system. 70 per cent of the pension comes from the old system, while 30 per cent comes from the new system. The annuity divisor in the old and new pension system is 1.075 and 15.33 respectively.

B) Calculated old age pension

*Pension calculated according to old rules*

Basic pension	$\frac{\text{NOK } 109\,784 \times 20 \times 90}{40 \times 100}$	= NOK 49 403
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Supplementary pension	$\frac{\text{NOK } 109\,784 \times 3.67 \times 20 \times 42}{40 \times 100}$	= NOK 84 610
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The pension basis		= NOK 134 013
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Being born in January 1956, and starting to draw his pension with effect from January 2023, his annuity divisor is 1.075. 70 per cent of the annual benefit is based on old rules.

Amount of benefit granted a year	$\frac{\text{NOK } 134\,013 \times 70}{1.075 \times 100}$	= <u>NOK 87 264</u>
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*Pension calculated according to new rules*

Calculated pension assets	$\text{NOK } 512\,400 \times 13^* \times 18.1$	
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100

NOK 1 205 677

\* There are thirteen years of earnings because the new rules only have been in force since 2010.

Being born in January 1956 and starting to draw his pension with effect from January 2023, his annuity divisor is 15.33. 30 per cent of the annual benefit is based on new rules:

$$\frac{\text{NOK } 1\,205\,677 \times 30}{15.33 \times 100} = \text{NOK } 23\,594$$

Amount of benefit granted a year (NOK 87 264 + NOK 23 594) = NOK 110 858

- C) The wife is entitled to an annual (residence based) old-age pension of her own, equal to 20/40 of the minimum pension level:

*Pension calculated according to old rules*

$$\frac{\text{NOK } 173\,025 \times 20 \times 70}{40 \times 100} = \text{NOK } 60\,559$$

*Pension calculated according to new rules*

$$\frac{\text{NOK } 193\,862 \times 20 \times 30}{40 \times 100} = \text{NOK } 29\,079$$

Amount of benefit granted a year (NOK 60 559 + NOK 129 079) = NOK 89 638

- D) Sum of benefits payable during contingency as a percentage of the sum of the standard wage payable during employment is

$$\begin{aligned} (B+C)/(A) &= (110\,858 + 789\,639 / 512\,400 = \\ 200\,497/512\,400 &= 0.3913: 39.13 \% \end{aligned}$$

## V - 5. Adjustment of benefits

### **§10 Article 65, §8 Article 66. C102 and ECSS**

*The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.*

### **Article 29. C128**

*1. The rates of cash benefits currently payable pursuant to Article 10, Article 17 and Article 23 shall be reviewed following substantial changes in the general level of earnings or substantial changes in the cost of living.*

2. Each Member shall include the findings of such reviews in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation, and shall specify any action taken.

The Basic amount is adjusted annually, with effect from 1 May. Pensions in payment are indexed by the average of wage and price growth. The minimum pension level is indexed in the same way. Pension rights in the course of acquisition are indexed to the average wage rate.

Period under review	Cost-of-living index <1>	Earnings <2>	Standard benefit <3>
A. Beginning of period: 2021	118,9	488 520	133 062
B. End of period: 2022	125,9	512 400	139 502
C. Percentage A/B	94,4	95,3	95,4

<1> 2015 = 100 (Cost-of-living index. Source: Statistics Norway).

<2> Gross annual wage – reference is made to subparagraph 6a of Article 65 of the Code

<3> Calculated on the basis of 20 years of earning pension points, in accordance with the request from the Committee of Experts.

## V - 6. Qualifying period

### **§1(f) Article 1 C102, §1(i) Article 1 ECSS, C128**

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

#### **Article 29. C102 and ECSS**

1. The benefit specified in Article 28 shall, in a contingency covered, be secured at least:

(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom while he was of working age, the prescribed yearly average number of contributions has been paid.

2. Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:

(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with paragraph 1.b of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment but is less than 30 years of contribution or employment; if such qualifying period exceeds 15 years, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

5. Where the benefit referred to in paragraphs 1, 3 or 4 of this Article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be payable under prescribed conditions to a person protected who, by reason only of his advanced age when the provisions concerned in the application of this Part come into force, has not satisfied the conditions prescribed in accordance with paragraph 2 of this Article, unless a benefit in conformity with the provisions of paragraphs 1, 3 or 4 of this Article is secured to such person at an age higher than the normal age.

**Article 18. C128**

1. The benefit specified in Article 17 shall, in a contingency covered, be secured at least:

(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, a prescribed qualifying period of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.

2. Where the old-age benefit is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:

(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half of the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment or five years of residence but is less than 30 years of contribution or employment or 20 years of residence; if such qualifying period exceeds 15 years of contribution or employment, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

As shown above, the income based old-age pension of the Norwegian National Insurance Scheme according to the old scheme, is conditional upon completion of a minimum contribution period of five years.

Persons who have at least five years of legal residence in Norway prior to fulfilling the other requirements for an old-age pension, but who have less than 40 years of residence, will receive a reduced benefit. For example a residence period of 5 years will give 5/40 of the pension which would be paid after 40 years. The residence based component of the scheme does not require any contribution or employment.

Regarding the income based component of the scheme, five years of contributions are required for a pension according to the old provisions. Five years will give 5/40 of a full pension. According to the new provisions, however, there is no requirement concerning previous periods. Even a working period of a few weeks would result in a (small) pension payment. For every NOK 1 earned, NOK 0.18 is added to the pension capital.

*Article 18(2). Calculation of the reduced old-age benefit.* The Committee notes that the calculation of the reduced old-age benefit is based on a residence period of 15 years for both spouses. It points out that Article 18(2)(a) of Convention No. 128 requires payment of a reduced benefit only where the old-age benefit is conditional upon a minimum period of contribution or employment and does not concern pension systems based on

residence. A reduced pension under these provisions shall be secured after 15 years of contribution or employment without any qualifying period of residence. This means that pension elements, supplements and allowances, the entitlement to which is subjected to a qualifying period of residence, particularly with respect to the dependent wife, shall be excluded from calculating the amount of the reduced pension of the standard beneficiary. **The Government is asked to explain whether provisions concerning reduced benefit are applicable to the pension system in Norway and, if they are, recalculate its replacement rate accordingly.**

Norway's response:

As noted by the Committee, in order to draw an old age pension before attaining the age of 67, the pension must, when the person in question attains the age of 67, be at least equal to the minimum pension level for persons with an insurance period of 40 years. This means that if the couple wishes to retire at the age of 62, and the wife has been inactive, she will not be entitled to old age pension before attaining the age of 67.

For the standard beneficiary, with previous standard wages, calculation is based on 15 years of insurance and 15 years of earning pension points. His wife would, even if she has not been occupationally active, be entitled to an old-age pension of her own. However, in light of the comment from the Committee of Experts, her pension is disregarded in the calculations below.

The standard beneficiary in this example was born in January 1956. He starts drawing his pension in January 2023. Since he was born in 1956 he will receive a pension from both the old and new old-age pension system. 70 per cent of the pension comes from the old system, while 30 per cent comes from the new system. The annuity divisor in the old and new pension system is 1.075 and 15.33 respectively.

Calculated old age pension

*Pension calculated according to old rules*

Basic pension	$\frac{\text{NOK } 109\,784 \times 15 \times 90}{40 \times 100}$	= NOK 37 052
Supplementary pension	$\frac{\text{NOK } 109\,784 \times 3.67 \times 15 \times 42}{40 \times 100}$	= NOK 63 459
The pension basis		= NOK 100 511

Being born in January 1956, and starting to draw his pension with effect from January 2023, his annuity divisor is 1.075. 70 per cent of the annual benefit is based on old rules.

Amount of benefit granted a year	$\frac{\text{NOK } 100\,511 \times 70}{1.075 \times 100}$	= <u>NOK 65 449</u>
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*Pension calculated according to new rules*

Calculated pension assets	$\text{NOK } 512\,400 \times 13^* \times 18.1$
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\* There are thirteen years of earnings because the new rules only have been in force since 2010.

Being born in January 1956, and starting to draw his pension with effect from January 2023, his annuity divisor is 15.33. 30 per cent of the annual benefit is based on new rules:

$$\frac{\text{NOK } 1\,205\,677 \times 30}{15.33 \times 100} = \text{NOK } 23\,594$$

Amount of benefit granted a year (NOK 65 449 + NOK 23 594) = NOK 89 043

Moreover, the calculation is made for a standard beneficiary based on Article 29(a) of the Code, i.e. on a qualifying period of 20 years of residence only. The Committee notes however that the standard beneficiary in the example taken for the model calculation is not only entitled to a residence-based basic pension, but also to a contributory supplementary pension. In this case, Article 29(a) of the Code allows the calculation of the old-age pension to be based on 30 years of contributions or employment. This is justified for the calculation of the minimum pension of the standard beneficiary's spouse, which is entitled to a residence based old-age minimum pension of her/his own. The Committee observes that the calculation of the old-age pension in Norway is based both on periods of residence (as regards the basic part) and periods of contribution (as regards the supplementary part). **The Committee thus requests the Government to provide the calculation of old-age pension replacement rate for a standard beneficiary under the assumption that he has completed a 30-year qualifying period for basic and supplementary pensions and his wife, a 20-year period of residence for basic pension, without adding further family allowances in respect of children. The Committee requests the Government to provide such calculation for a standard beneficiary born in 1953, who retires at the age of 67 in 2020.**

Norway's response:

Based on the comments from the Committee of Ministers, the calculation below is based on 30 years of earning pension points for the husband and on 20 years of residence for both spouses.

A) The standard beneficiary is a male born in January 1956, with previous wages in 2022 (cf. Article 10) amounting to NOK 512 400 and with 3.67 pension points (based on the average B.a. of 2022= NOK 109 784), and an average of 3.67 pension points throughout his working career. His wife, also born in January 1956, was supported by her husband before becoming a pensioner (she has thus not earned supplementary pension of her own). They both start drawing their pensions in January 2023.

Since the spouses were both born in 1956 they will receive a pension from both the old and new old-age pension system. 70 per cent of the pension comes from the old system, while 30 per cent comes from the new system. The annuity divisor in the old and new pension system is 1.075 and 15.33 respectively.

B)

Calculated old age pension

*Pension calculated according to old rules*

Basic pension  $\frac{\text{NOK } 109\,784 \times 30 \times 90}{40 \times 100} = \text{NOK } 74\,104$

Supplementary pension  $\frac{\text{NOK } 109\,784 \times 3.67 \times 30 \times 42}{40 \times 100} = \text{NOK } 126\,916$

The pension basis = NOK 201 020

Being born in January 1956, and starting to draw his pension with effect from January 2023, his annuity divisor is 1.075. 70 per cent of the annual benefit is based on old rules.

Amount of benefit granted a year  $\frac{\text{NOK } 201\,020 \times 70}{1.075 \times 100} = \underline{\text{NOK } 130\,897}$

*Pension calculated according to new rules*

Calculated pension assets  $\frac{\text{NOK } 512\,400 \times 13^* \times 18.1}{100} = \underline{\text{NOK } 1\,205\,677}$

\* There are thirteen years of earnings because the new rules only have been in force since 2010.

Being born in January 1956 and starting to draw his pension with effect from January 2023, his annuity divisor is 15.33. 30 per cent of the annual benefit is based on new rules:

$\frac{\text{NOK } 1\,205\,677 \times 30}{15.33 \times 100} = \text{NOK } 23\,594$

Amount of benefit granted a year (NOK 130 897 + NOK 23 594) = NOK 154 491

C) The wife is entitled to an annual (residence based) old-age pension of her own, equal to 20/40 of the minimum pension level:

*Pension calculated according to old rules*

$\frac{\text{NOK } 173\,025 \times 20 \times 70}{40 \times 100} = \text{NOK } 60\,559$

*Pension calculated according to new rules*

$$\frac{\text{NOK } 193\,862 \times 20 \times 30}{40 \times 100} = \text{NOK } 29\,079$$

Amount of benefit granted a year (NOK 60 559 + NOK 129 079) = NOK 89 638

- D) Sum of benefits payable during contingency as a percentage of the sum of the standard wage payable during employment is

$$\begin{aligned} (B+C)/(A) &= (154\,491 + 89\,639) / 512\,400 = \\ 244\,130/512\,400 &= 0.4764: 47.6 \text{ per cent} \end{aligned}$$

*Part V (Old-age benefit), Article 28(a) of the Code, in conjunction with Article 29(a), Article 65 and Schedule to Part XI, as amended by the Protocol. Replacement rate of benefits.* The Committee notes the calculation of the old-age pension replacement rate provided by the Government in reply to its previous request, i.e. based on a 30-year qualifying period for basic and supplementary pensions for a man and a minimum pension based on a 20-year period of residence for his wife at pensionable age (without adding further family allowances in respect of children). This calculation was made under the old pension formula for a standard beneficiary born in January 1954, who retires at the age of 67 in 2021. The Committee takes due note of this information. **It requests the Government to provide such calculations not only in accordance with the old pension formula, which applies to person born before 1954, but also in accordance with the new pension formula applicable to persons born after 1953, who retire at the age of 67.**

Norway's response:

The calculation made in connection with Norway's Report for 2021, was based on a person who was born in January 1954 and drew an old-age pension from the age of 67 in January 2021. As the Committee correctly points out, the person's old-age pension must be calculated according to both new and old regulations.

In the calculation example that follows, the calculation is made in accordance with the request of the Committee. As a result of one year having passed, the example is based on a person who was born in January 1956 and who draws an old-age pension from the age of 67 in January 2023. Furthermore, the calculation is based on the average income of the standard beneficiary in 2022 and the average basic amount for 2022.

- A) The standard beneficiary is a male born in January 1956, with previous wages in 2022 (cf. Article 10) amounting to NOK 512 400 and with 3.67 pension points (based on the average B.a. of 2022 = NOK 109 784), and an average of 3.67 pension points throughout his working career. His wife, also born in January 1956, was supported by her husband before becoming a pensioner (she has thus not earned supplementary pension of her own). They both start drawing their pensions in January 2023.

Persons born between 1954 and 1962 will get their old age pension calculated in a combination of old and new pension rules. Being born in 1956, the old age pension is

calculated 70per cent based on old pension rules and 30per cent based on new pension rules.

B) Calculated old age pension

*Pension calculated according to old rules*

$$\text{Basic pension} \quad \frac{\text{NOK } 109\,784 \times 30 \times 90}{40 \times 100} = \text{NOK } 74\,104$$

$$\text{Supplementary pension} \quad \frac{\text{NOK } 109\,784 \times 3.67 \times 30 \times 42}{40 \times 100} = \text{NOK } 126\,916$$

$$\text{The pension basis} = \text{NOK } 201\,020$$

Being born in January 1956 and starting to draw his pension with effect from January 2023, his annuity divisor is 1.075. 70 per cent of the annual benefit is based on old rules:

$$\frac{\text{NOK } 201\,020 \times 700}{1.075 \times 100} = \text{NOK } 130\,897$$

*Pension calculated according to new rules*

$$\text{Calculated pension assets} \quad \frac{\text{NOK } 512\,400 \times 13^* \times 18.1}{100} = \text{NOK } 1\,205\,677$$

\* There are thirteen years of earnings because the new rules only have been in force since 2010.

Being born in January 1956 and starting to draw his pension with effect from January 2023, his annuity divisor is 15.33. 30 per cent of the annual benefit is based on new rules:

$$\frac{\text{NOK } 1\,205\,677 \times 30}{15.33 \times 100} = \text{NOK } 23\,594$$

$$\text{Amount of benefit granted a year} \quad (\text{NOK } 130\,897 + \text{NOK } 23\,594) = \text{NOK } 154\,491$$

C) The wife is entitled to an annual (residence based) old-age pension of her own, equal to 20/40 of the minimum pension level:

*Pension calculated according to old rules*

$$\frac{\text{NOK } 173\,025 \times 20 \times 70}{40 \times 100} = \text{NOK } 60\,559$$

*Pension calculated according to new rules*



$$\frac{\text{NOK } 193\,862 \times 20 \times 30}{40 \times 100} = \text{NOK } 29\,079$$

Amount of benefit granted a year (NOK 60 559 + NOK 129 079) = NOK 89 638

- D) Sum of benefits payable during contingency as a percentage of the sum of the standard wage payable during employment is

$$\begin{aligned} (B+C)/(A) &= (154\,491 + 89\,638) / 512\,400 = \\ 244\,129/512\,400 &= 0.4764: 47.6 \text{ per cent} \end{aligned}$$

#### V -7. Duration of Benefit

**Article 30. C102 and ECSS**

*The benefits specified in Articles 28 and 29 shall be granted throughout the contingency.*

**Article 19. C128**

*The benefit specified in Articles 17 and 18 shall be granted throughout the contingency.*

The old-age pension of the National Insurance Scheme is granted throughout the contingency. However, see V – 8 below, concerning suspension of benefits.

#### V - 8. Suspension of Benefit

*See under Part XIII-1*

**Article 31. C128**

1. *The payment of invalidity, old-age or survivors' benefit may be suspended, under prescribed conditions, where the beneficiary is engaged in gainful activity.*
2. *A contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary exceed a prescribed amount; the reduction in benefit shall not exceed the earnings.*
3. *A non-contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.*

Old-age pension may, under both the old and the new scheme, be drawn fully or partially. The drawing alternatives are 20, 40, 50, 60, 80 and 100 per cent. Work and pension may be combined, without deductions being made in the pension. If one continues to work, additional pension entitlement is earned, up to and including the year in which one attains the age of 75, even if one has already started drawing the pension.

The basic pension is calculated on the basis of the insurance period, and is independent of previous income and contributions paid.

The full basic pension is 0.9 B.a. (NOK 106 758), if the pensioner's spouse (or a cohabitant whom he/she previously was married to, has or has had children together with or has been living with for at least 12 of the last 18 months) receives pension or has an annual

income exceeding 2 B.a. (NOK 237 240). For a single pensioner, the full basic pension is 1 B.a. (NOK 118 620), cf. information given above.

**Article 32. C128**

*1. A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to IV of this Convention may be suspended to such extent as may be prescribed:*

*(a) as long as the person concerned is absent from the territory of the Member, except, under prescribed conditions, in the case of a contributory benefit;*

*(b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;*

*(c) where the person concerned has made a fraudulent claim;*

*(f) in appropriate cases, where the person concerned, without good reason, neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries.*

*2. In the case and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.*

1 (a) The old-age pension of the National Insurance Scheme will as a general rule be suspended if the insurance is terminated. Insurance under the National Insurance Scheme will as a general rule be terminated for a person who resides outside of Norway for more than 12 consecutive months (or, for two consecutive years, more than six months per year), or who takes up work abroad. However, if compulsory membership is terminated, the person may be entitled to a voluntary membership.

Residence or work abroad are the only situations in which the compulsory insurance will be terminated. This is in compliance with the Code, cf. subparagraph (a) of Article 68. See also Article 69 subparagraph (a) of C102 and Article 32 subparagraph 1 (a) of C128, which allows for suspension of the benefit as long as the person is absent from the territory of Norway.

A pensioner who is no longer insured under the scheme, but has been insured for at least 20 years, will, however, be entitled to full old-age pension. A pensioner who is no longer insured because he/she has left the country and who has been insured for less than 20 years, will be entitled to an old-age pension on the basis of previous calendar years in which he/she has had pensionable income equal to at least 1 B.a. (NOK 118 620).

1 (b) A pensioner who is maintained at public expense at a psychiatric institution, will have 86 per cent of his/her pension suspended from the fourth month following the month in which he/she was institutionalised. However, if the pensioner is supporting a spouse or children under the age of 18, the pension will not be suspended.

When pensioners are residing in municipal nursing homes, the municipalities may charge a fee of up to 75 per cent of the annual pension (and other income) exceeding NOK 9 400. Of income in excess of 1 B.a. (NOK 118 620), the municipality may charge up to 85 per cent. The fee is, however, reduced if the pensioner has a spouse who still lives at home, or children under the age of 18.

Old-age pension is not suspended during a stay in a somatic hospital.

A pensioner who is serving a prison sentence will have his pension suspended from the second month following the month in which the imprisonment started. However, if the pensioner supports children under the age of 18, 50 per cent of the pension will be paid out.

**Article 33. C128**

1. If a person protected is or would otherwise be eligible simultaneously for more than one of the benefits provided for in this Convention, these benefits may be reduced under prescribed conditions and within prescribed limits; the person protected shall receive in total at least the amount of the most favourable benefit.

2. If a person protected is or would otherwise be eligible for a benefit provided for in this Convention and is in receipt of another social security cash benefit for the same contingency, other than a family benefit, the benefit under this Convention may be reduced or suspended under prescribed conditions and within prescribed limits, subject to the part of the benefit which is reduced or suspended not exceeding the other benefit.

Recourse is had to paragraph 1 of Article 33.

As described above, old-age pension may be drawn from the age of 62. Cash benefits in the case of sickness is granted to occupationally persons between the ages of 62 and 70 according to the same rules that apply to other age groups, irrespective of whether or not the person in question has already begun drawing old-age pension. It is therefore possible for this group to receive the full amount of old-age pension and the full amount of cash benefits in the case of sickness at the same time. However, for persons between the ages of 67 and 70, cash benefits in the case of sickness are granted for up to 60 days, and only if the annual income exceeds 2 B.a.

Unemployment benefit is stopped when the recipient attains the age of 67.

Recourse is not had to paragraph 2 of Article 33.

The following rules apply in case of accumulation of old age, invalidity and survivors' benefit:

*Old age benefit*

An old age pensioner with 100 per cent old age pension is not eligible for disability benefit. If an old age pensioner becomes a surviving spouse, he/she may under the old scheme be entitled to a part of the aggregated supplementary pension of the deceased, or a special supplement under the new scheme.

*The disability benefit*

The age limit for entitlement to Disability Benefit is 67 years, which means that the last payment will take place in the month in which the recipient attains the age of 67. Old-age Pension may, however, be drawn from the month after the insured person attains the age of 62, provided that certain conditions are met. A person may therefore, between the age of 62 and 67, receive both a partial old-age pension and a partial disability benefit at the same time, i.e. up to a 100 per cent accumulated benefit.

If the disability beneficiary becomes a surviving spouse, he/she may be entitled to a special supplement.

#### *Survivors' pension*

A surviving spouse etc. will at age 67 transfer to old age pension, and receive his/her personally acquired supplementary pension, or 55 per cent of the aggregated supplementary pension of both the survivor and the deceased, if this is more favourable.

If a surviving spouse is entitled to disability benefit, the survivors' pension will be suspended and he/she may be entitled to a special supplement to his/her disability benefit.

### **V - 9. Right of complaint and appeal**

#### **Article 34. C128**

1. Every claimant shall have a right of appeal in the case of refusal of benefit or complaint as to its quality or quantity.
2. Procedures shall be prescribed which permit the claimant to be represented or assisted, where appropriate, by a qualified person of his choice or by a delegate of an organization representative of persons protected.

**See under Part XIII-2**

### **V - 10. Financing and Administration**

**See under Part XIII-3**

#### **Article 30. C128**

*National legislation shall provide for the maintenance of rights in course of acquisition in respect of contributory invalidity, old-age and survivors' benefits under prescribed conditions.*

Whereas some countries may have numerous old-age pension schemes, for different sectors or even for individual employers, the Norwegian National Insurance Scheme is a universal and comprehensive scheme, covering the entire population irrespective of sectors or employers, and even irrespective of whether the person in question has been occupationally active or not. Therefore, the maintenance of rights in course of acquisition will be unproblematic when a person changes employment or goes in or out of the labour market.

#### **Article 35. C128**

1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

#### **Article 36. C128**

*Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.*

**Taxation of Social Security Benefits**

Old-age pensioners are entitled to a special tax deduction. This deduction ensures that pensioners with only a minimum pension are not liable to pay tax. The effect of the deduction is gradually reduced for pensioners with higher pensions.

The supplement for pensioners supporting a spouse is tax free.

## Part VI. Employment Injury Benefit

*Norway has accepted the obligations resulting from C12, C42, Part VI of C102 and Part VI of the ECSS, as amended by its Protocol.*

### List of applicable legislation

- The Norwegian National Insurance Act (lov om folketrygd) of 28 February 1997 No. 19, with later amendments

The Act may be found at the following site:

[https://lovdata.no/dokument/NL/lov/1997-02-28-19/\\*#\\*](https://lovdata.no/dokument/NL/lov/1997-02-28-19/*#*)

At present, the Act is only available in Norwegian.

Reference is made to Chapter 2 of the Act, concerning the provisions on mandatory insurance coverage, and to Chapter 13 of the Act, concerning the general provisions on occupational injury. Specific provisions concerning occupational injuries are also found in different Chapters of the Act, as regards the relevant benefits.

Reference is in particular made to the following Sections of the Act:

- Section 5-25 concerning Health Care Benefits
- Section 6-9 concerning Basic Benefit and Attendance Benefit
- Section 7-5 concerning Funeral Grant
- Section 8-55 concerning Daily Cash Benefits in the Case of Sickness
- Section 11-22 concerning Work Assessment Allowance
- Section 12-17 concerning Disability Benefit
- Section 17-12 concerning Benefits to Surviving Spouse
- Section 18-11 concerning Children's Pension
- Sections 19-20 and 20-10 concerning Old-age Pension

There is also an additional scheme for occupational injury insurance, outside of the framework of the Norwegian National Insurance Scheme:

- The Act relating to industrial injury insurance (lov om yrkesskadeforsikring) of 16 June 1989 No. 65, with later amendments  
The Act may be found at the following site:

<https://lovdata.no/dokument/NL/lov/1989-06-16-65>

At present, the Act is only available in Norwegian.

Reference is also made to Norway's reports of 2018 on ILO Conventions Nos 12 and 19.

Reference is furthermore made to our annual brochure entitled "The Norwegian Social Insurance Scheme", which may be found at the following site:

<https://www.regjeringen.no/no/dokumenter/det-norske-trygdesystemet-2019/id2478621/>

## VI - 1. Regulatory framework

### **Article 1. C12**

*Each Member of the International Labour Organisation which ratifies this Convention undertakes to extend to all agricultural wage-earners its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.*

### **§1 Article 1. C42**

*Each Member of the International Labour Organisation which ratifies this Convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.*

### **Article 31. C102 and ECSS**

*Each Member (Contracting Party) for which this part of this Convention (Code) is in force shall secure to the persons protected the provision of employment injury benefit in accordance with the following articles of this Part.*

## **BENEFITS IN THE CASE OF OCCUPATIONAL INJURY**

All employees (including all agricultural wage-earners) and certain other groups, e.g. military conscripts and pupils/students are mandatorily covered for occupational injury under the National Insurance Scheme. Self-employed persons and freelancers may take out voluntary insurance against occupational injury.

A person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to:

- The full range of the ordinary benefits of the National Insurance Scheme. However, in the case of occupational injury, the ordinary provisions concerning these benefits are not applied. Instead, special rules apply, which are generally more favourable than the ordinary rules. This applies to medical benefits, sickness benefits etc. as well as pensions.
- A special benefit, which is only applicable in the case of occupational injury, which compensates for non-economic loss (reduced quality of life) may be granted on the basis of the medical nature and degree of the injury. The maximum benefit amount is 75 per cent of the B.a. (NOK 88 965) per year.

In addition, the person may be eligible for benefits under the mandatory Occupational Injury Insurance Scheme ("yrkesskadeforsikringsloven"), which is a scheme outside the framework of the National Insurance Scheme. This scheme, which is administered by private insurance companies, gives individual compensations and/or lump sum indemnities to cover loss of earnings and expenses not compensated by the National Insurance Scheme.

The injured and the survivors may claim benefits under both the National Insurance Scheme and the Occupational Injury Insurance Scheme.

Both tiers offer compensation for non-economic loss.

In our opinion, Norway fulfils the requirements of the Code concerning Employment Injury Benefit through the provisions of the National Insurance Act.

## VI - 2. Contingency covered

### **Article 32. C102 and Protocol to the ECSS**

*The contingencies covered shall include the following where [the state of affairs described is – ECSS] due to accident or a prescribed disease resulting from employment:*

- a) a morbid condition;*
- b) incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national laws or regulations;*
- c) total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and*
- d) the loss of support suffered by the widow or child as the result of the death of the breadwinner; [in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support – C102].*

Injury, sickness or death caused by an accident at work is regarded as occupational injury. Certain diseases are regarded as equal with occupational injury. Fatigue injuries and mental suffering caused by continuous strain are generally not regarded as falling within the scope of the legislation concerning occupational injury.

As a main rule, the injury or sickness must occur while working, at the place of work and during working hours.

The contingencies covered under the National Insurance Scheme in case of accidents or prescribed diseases resulting from employment, include the contingencies listed in Article 32 of C102 and the Protocol to the ECSS.

Entitlement to benefits in case of employment injury is not subject to having a certain previous minimum income from work. An employee is covered from the first day of employment. The ordinary income requirement of 0.5 B.a. for entitlement to cash benefits in case of sickness is not applicable in cases of employment injury. Cash benefits in case of sickness is, according to sub-paragraph b of Section 8-55 of the National Insurance Act, granted at least on the calculation basis which the insured person had at the time of injury.

### **Article 2. C42**

*Each Member of the International Labour Organisation which ratifies this Convention undertakes to consider as occupational diseases those diseases and poisonings produced by the substances set forth in the Schedule appended hereto, when such diseases or such poisonings affect workers engaged in the trades, industries or processes placed opposite in the said Schedule, and result from occupation in an undertaking covered by the said national legislation.*



List of diseases and toxic substances	List of corresponding trades, industries and processes
Poisoning by lead, its alloys or compounds and their sequelae.	<ol style="list-style-type: none"> <li>1 Handling of ore containing lead, including fine shot in zinc factories.</li> <li>2 Casting of old zinc and lead in ingots.</li> <li>3 Manufacture of articles made of cast lead or of lead alloys.</li> <li>4 Employment in the polygraphic industries.</li> <li>5 Manufacture of lead compounds.</li> <li>6 Manufacture and repair of electric accumulators.</li> <li>7 Preparation and use of enamels containing lead.</li> <li>8 Polishing by means of lead files or putty powder with a lead content.</li> <li>9 All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.</li> </ol>
Poisoning by mercury, its amalgams and compounds and their sequelae.	<ul style="list-style-type: none"> <li>• Handling of mercury ore.</li> <li>• Manufacture of mercury compounds.</li> <li>• Manufacture of measuring and laboratory apparatus.</li> <li>• Preparation of raw material for the hatmaking industry.</li> <li>• Hot gilding.</li> <li>• Use of mercury pumps in the manufacture of incandescent lamps.</li> <li>• Manufacture of fulminate of mercury primers.</li> </ul>
Anthrax infection.	<ul style="list-style-type: none"> <li>➤ Work in connection with animals infected with anthrax.</li> <li>➤ Handling of animals carcasses or parts of such carcasses including hides, hoofs and horns.</li> <li>➤ Loading and unloading or transport of merchandise.</li> </ul>
Silicosis with or without pulmonary tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	Industries or processes recognised by national law or regulations as involving exposure to the risk of silicosis.
Phosphorous poisoning by phosphorous or its compounds, and its sequelae.	Any process involving the production, liberation or utilisation of phosphorous or its compounds.
Arsenic poisoning by arsenic or its compounds, and its sequelae.	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Poisoning by benzene or its homologues, their nitro- and amido-derivatives, and its sequelae.	Any process involving the production, liberation or utilisation of benzene or its homologues, or their nitro- or amido-derivatives.
Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series.	Any process involving the production, liberation or utilisation of halogen derivatives of hydrocarbons of the aliphatic series designated by national laws or regulations.
Pathological manifestations due to: 459 a) radium and other radioactive substances; 460 b) X-rays.	Any process involving exposure to the action of radium, radioactive substances, or X-rays.
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.

### VI - 3. Persons protected

#### **Article 33. C102 and Protocol to the ECSS**

*The persons protected shall comprise:*

*(a) prescribed classes of employees, constituting not less than 50 per cent. [80 per cent. – Protocol to the ECSS] of all employees, and, for benefit in respect of death of the breadwinner, also their wives and children; or*  
**[(b) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more, and, for benefit in respect of death of the breadwinner, also their wives and children - C102]**

- A. Recourse is had to subparagraph (a).
- B. Reference is made to previous reports.

C. cf. Article 76, Title I

- A. The number of employees protected under the employment injury scheme Q 1 in 2022 was: 2 958 609<sup>7</sup>.
- B. According to Statistics Norway, the total number of employees in average for the same year was: 2 958 609.
- C.  $(A/B) \times 100 = 100$  per cent. The number of persons being insured is 100 per cent of the number of employees.

Employees are also covered by an Occupational Injury Insurance Scheme outside the framework of the National Insurance legislation.

Since the Committee previously has had questions regarding whether the entitlement to benefits in case of employment injury also is subjected to having a certain previous minimum income from work, the next paragraphs provide some information in this regard.

As stated under VI-1 of this report, a person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to:

- The full range of the ordinary benefits of the National Insurance Scheme. However, in the case of occupational injury, the ordinary provisions concerning these benefits are not applied. Instead, special provisions apply, which are generally more favourable than the ordinary provisions. This applies to medical benefits, sickness benefits etc. as well as pensions.
- A special benefit, which is only applicable in the case of occupational injury, which compensates for non-economic loss (reduced quality of life), granted on the basis of the medical nature and degree of the injury. The maximum benefit amount is 75 per cent of the B.a. (NOK 111 477) per year. There is no requirement concerning previous minimum income from work.

**Statistical information**

**Total number of reported occupational injuries**

Year	Reported occupational injuries
2014	23 892
2015	23 942
2016	22 459
2017	21 937
2018	23 278
2019	21 991

<sup>7</sup> <https://www.ssb.no/arbeid-og-lonn/statistikker/regsys>

2020	20 080
2021	23 201 <sup>8</sup>

Source: Statistics Norway

#### Total number of reported fatal occupational accidents

Year	Number of reported fatal occupational accidents
2000	86
2001	59
2002	64
2003	68
2004	67
2005	61
2006	42
2007	54
2008	62
2009	62
2010	58
2011	63
2012	47
2013	54
2014	61
2015	40
2016	45
2017	44
2018	37
2019	33
2020	41
2021	39 <sup>9</sup>

Source: Statistics Norway

#### Total number of occupational injuries, agriculture and related activities

Year	Total number of reported occupational injuries, agriculture and related activities
2015	361
2016	351
2017	367
2018	374
2019	362
2020	400
2021	447 <sup>10</sup>

Source: Statistics Norway

<sup>8</sup> Figures for 2022 are not yet available.

<sup>9</sup> Figures for 2022 are not yet available.

<sup>10</sup> Figures for 2022 are not yet available.

## VI - 4. Medical Care

### **Article 34. C102 and ECSS**

1. In respect of a morbid condition, the benefit shall be medical care as specified in paragraphs 2 and 3 of this article.

2. The medical care shall comprise:

- a) general practitioner and specialist in-patient care and out-patient care, including domiciliary visiting;
- b) dental care;
- c) nursing care at home or in hospital or other medical institutions;
- d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;
- e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances, kept in repair, and eyeglasses; and
- f) the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner.

3 [4 – C102]. The medical care provided in accordance with the preceding paragraphs shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

### **Health Care Benefits**

In cases of occupational injury, health care benefits are granted without cost-sharing, cf. Section 5-25 of the National Insurance Act.

### **Work Assessment Allowance**

In cases of occupational injury, Work Assessment Allowance is granted without any requirements concerning prior insurance periods, cf. Section 11-22 of the National Insurance Act.

## VI - 5. Vocational rehabilitation

### **Article 35. C102 and ECSS**

1. The institutions or government departments administering the medical care shall co-operate, wherever appropriate, with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in suitable work.

2. National laws or regulations may authorise such institutions or departments to ensure provision for the vocational rehabilitation of handicapped persons.

As stated above, a person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to the full range of the ordinary benefits of the National Insurance Scheme. (However, in the case of occupational injury, the ordinary provisions concerning these benefits are not applied. Instead, special provisions apply, which are generally more favourable than the ordinary provisions.) Reference is therefore made to information provided under Part IX – 8. Invalidity Benefit. Rehabilitation services.

## VI - 6. Level and Calculation of Benefit

### **§2 Article 1. C42**

The rates of such compensation shall be not less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases shall be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

**Article 36. C102 and ECSS**

1. In respect of incapacity for work, total loss of earning capacity likely to be permanent, or corresponding loss of faculty, or the death of the breadwinner, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.

2. In case of partial loss of earning capacity likely to be permanent, or corresponding loss of faculty, the benefit, where payable, shall be a periodical payment representing a suitable proportion of that specified for total loss of earning capacity or corresponding loss of faculty.

3. The periodical payment may be commuted for a lump sum:

- a) where the degree of incapacity is slight; or
- b) where the competent authority is satisfied that the lump sum will be properly utilised.

As is stated above, a person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to the full range of the ordinary benefits of the National Insurance Scheme. (However, in the case of occupational injury, the ordinary provisions concerning these benefits are not applied. Instead, special provisions apply, which are generally more favourable than the ordinary provisions.) Reference is therefore made to information provided under relevant Parts of this report concerning the level and the calculation of the benefits.

**2018 CEACR's conclusions - Pending**

*Calculation of the disability and survivors' benefits in case of employment injury.* The Committee notes that the Government refers to the calculations of the replacement rate of the disability and survivors' benefits made under Parts IX and X of the Code for the standard beneficiary having completed an insurance period of 5, 15 and 40 years. **As the benefits under Part VI of the Code cannot be made subject to the completion of any qualifying period, the Committee requests the Government to recalculate the replacement level of these benefits for the standard beneficiary where the breadwinner can justify only one day of insurance or residence in Norway.**

Please provide a response to the CEACR's conclusions.

Norway's response given in 2019: The standard beneficiary is a male born in January 1952 with a contractual income of NOK 455 880. He is married, with two children. He has one day of insurance under the National Insurance Scheme when he becomes the victim of an employment injury.

If the employment injury disables the standard beneficiary 100 per cent, he will receive the following:

(D) Disability benefit	$\frac{\text{NOK } 455\,880 \times 66 \times 40}{100 \times 40}$	= NOK 300 881
(E) Family benefit payable under employment Child benefit – two children		= NOK 23 280
(F) Family benefit payable during contingency Child benefit – two children		= NOK 23 280
Supplement for two children	$\frac{2 \times \text{NOK } 95\,800 \times 40 \times 40}{100 \times 40}$	= NOK 76 640

Total family benefit during contingency = NOK 99 920

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$D+F/C+E = 400\,801/479\,160 = 0.836$  ): 83.6 %

If the employment injury causes the standard beneficiary's death, his surviving spouse and children will receive the following (the beneficiary is a widow with two children, while the late breadwinner was a male manual employee with previous wages of NOK 455 880, pension points equal to 3.76, based on the average B.a. in 2018, NOK 95 800).

(D) Basic pension  $\frac{NOK\ 95\ 800 \times 40}{40}$  = NOK 95 800

Supplementary pension

$\frac{NOK\ 95\ 800 \times 3.76 \times 40 \times 42}{40 \times 100} \times \frac{55}{100}$  = NOK 83 208

Special supplement<sup>11</sup> = NOK 12 592

Amount of benefit granted a year = NOK 191 600

(E) Family benefit payable under employment  
Child benefit for two children = NOK 23 280

(F) Family benefit payable during contingency  
Child benefit - single parent with two children = NOK 34 920

Children's pension  
 $\frac{NOK\ 95\ 800 \times 65 \times 40}{100 \times 40}$  = NOK 62 270

Total family benefit during contingency = NOK 97 190

(G) Sum of benefits payable under contingency (D+F) as a percentage of the sum of standard wages and family benefit payable under employment (C+E):

$(D+F) / (C+E) = 191\,600 + 97\,190 / 455\,880 + 23\,280 =$

288 790/479 160 = 0.6027): 60.3 per cent

[Resolution CM/ResCSS\(2018\)13 on the application of the European Code of Social Security and its Protocol by Norway \(Period from 1 July 2016 to 30 June 2017\) concerning Part VI \(Employment injury benefit\), as amended by the Protocol, Article 36\(2\) and \(3\), Degree of incapacity.](#)

**Norway's response:**

Employers are required by law to ensure that all employees in the private sector are insured under the Occupational Injury Insurance Scheme, which is operated by private insurance companies.

The insurance shall cover injuries and diseases which occur during work, at the workplace, during working hours, caused by accident or exposure to harmful substances or work processes.

According to the Regulation on standardized compensation of 21 December 1990, the compensation is given as a lump sum.

**- Compensation for loss of future income**

The basic compensation is determined as follows:

<b>Income basis</b>	<b>Basic compensation</b>
Up to 7 B.a.	22 B.a.
7 to 8 B.a.	24 B.a.
8 to 9 B.a.	26 B.a.
9 to 10 B.a.	28 B.a.
More than 10 B.a.	30 B.a.

In cases of 100 per cent disability, the compensation is calculated as follows:

<b>Age</b>	<b>Compensation</b>
45 or 46	The Basic compensation
47 or older	The Basic compensation, minus 5 per cent per year older than 46. However, the minimum compensation is 10 per cent.
35 to 44	The Basic compensation, plus 3.5 per cent per year younger than 45
34 or younger	The Basic compensation, plus 35 per cent, plus 2.5 per cent per year younger than 35

In cases of less than 100 per cent disability, the compensation is reduced proportionally.

For example, if a worker aged 45, with an income of up to 7 B.a. (NOK 699 006) becomes 25 per cent disabled, he/she will be eligible to a basic compensation of (22 x B.a. (NOK 99 858) = NOK 2 196 876) x 0.25 = NOK 549 219 as a lump sum, paid by the Occupational Injury Insurance Scheme.

**- Compensation for non-economic loss (reduced quality of life)**

The basic compensation is determined as follows:

<b>Medical invalidity</b>	<b>Basic compensation</b>
15–24 per cent	0.75 B.a.
25–34 per cent	1 B.a.
35–44 per cent	1.5 B.a.
45–54 per cent	2 B.a.
55–64 per cent	2.5 B.a.
65–74 per cent	3 B.a.
75–84 per cent	3.75 B.a.
85–100 per cent	4.5 B.a.
Injury considerably greater than an injury which would result in a disability degree of 100 per cent	5.5 B.a.

The compensation is calculated as follows:

<b>Age</b>	<b>Compensation</b>
45 or 46	The Basic compensation
47 or older	The Basic compensation, minus 2 per cent per year older than 46. However, the minimum compensation is 50 per cent.
44 or younger	The Basic compensation, plus 2 per cent per year younger than 45

***2022 CEACR's conclusions – Pending***

*“Part VI (Employment injury benefit), Article 36(2) and (3) of the Code. Lump-sum benefit for incapacity of less than 30 per cent. In its previous comments, the Committee noted that the National Insurance Act set a threshold of 30 per cent loss of earning capacity for entitlement to a disability pension in case of employment injury and that, where the degree of incapacity is lower, it neither provides for a periodical payment nor for the commutation of such a payment to a lump sum. The Committee noted that the Government considers a degree of incapacity of 30 per cent as being “slight” within the meaning of Article 36(3) of the Code. It also noted the information provided by Government that lump-sum compensation payments are made by the mandatory Occupational Injury Insurance Scheme (Yrkesskadeforsikringloven) for loss of future income and for non-economic losses (reduced quality of life) also in the event that the degree of disablement is below 30 per cent. The Committee observed, however, that these compensation payments, granted by private*



insurance companies, were separate additional payments made in proportion to the degree of disability which could not be regarded as a substitute for the non-payment of partial disability pensions by the National Insurance Scheme in case of disability below 30 per cent.

In its response, the Government underlines that the Norwegian Occupational Injury Scheme consists of two parts: the National Insurance Scheme and a separate law that imposes an obligation on all employers to insure their employees against occupational injuries (the mandatory Occupational Injury Insurance Scheme). It considers that it is the sum of these two schemes that constitutes the Norwegian Occupational Injury Scheme, and that they must be seen together. The Government states that the fact that payments are made out of the mandatory Occupational Injury Insurance Scheme and not out of the National Insurance Scheme is not important, as long as the injured party receives the compensation he or she is entitled to. The Government emphasizes that it is in any case the employer who pays the costs of the compensation payment, both from the National Insurance Scheme and the mandatory Occupational Injury Insurance Scheme. Therefore, it concludes that even if the National Insurance Scheme does not provide a disability benefit for occupational injuries where the degree of disability is lower than 30 per cent, the financial loss of an employee in case of employment injury will be compensated by the mandatory Occupational Injury Insurance Scheme.

The Government also points out that improving the Norwegian Occupational Injury Scheme is part of its political platform. It considers the question of whether the National Insurance Scheme should provide disability benefit in the event of occupational injuries when the degree of disability is lower than 30 per cent to be a natural part of this work, and this would include considering the question of whether a disability benefit granted at low degrees of disability should be commuted into a lump-sum.

The Committee recalls in this respect that Article 36 of the Code pursues the primary aim to ensure a permanent compensation, i.e. a periodical benefit in case of permanent loss of earning capacity caused by an employment injury. As an exception, Article 36(3) of the Code allows for the conversion of a periodical benefit otherwise due into a lump-sum payment where the degree of incapacity is only slight, but in such an event the lump-sum payment should bear an 'equitable relationship' to the periodical payment otherwise due. Based on the information provided by the Government, the Committee cannot conclude that this requirement of the Code is being met as this is not the case in Norway where the National Insurance Scheme provides for no cash payment at all in case of a slight disability below 30 per cent, and where the compensation provided by the mandatory Occupational Injury Insurance Scheme for loss of future income and for non-economic losses (reduced quality of life) constitutes a different additional payment, which is not made in lieu of a periodical payment otherwise due by the National Insurance Scheme, as in fact it bears no relationship to such a payment.

***In light of the above, the Committee therefore firmly hopes that in the course of the intended reform, the Government will take the necessary measures to give full effect to Article 36(2) and (3) of the Code by reducing the minimum threshold for the payment of occupational injury disability pensions under the National Insurance Scheme below 30 per cent of disability (subject to the possibility of commuting such benefits into a lump sum)."***

Norway's response:

We would like to point out that improving the Norwegian Occupational Injury Scheme is part of the Government's political platform. We consider the question of whether the National Insurance Scheme should provide disability benefit in the event of occupational injuries when the degree of disability is lower than 30 per cent, to be a natural part of this work, and this would include considering the question of whether a disability benefit granted at low degrees of disability should be commuted into a lump-sum.

However, based on the wording in Article 36 (2), a payment in the case of partial loss of earning capacity should be a periodical payment "where payable". The Code does not give guidelines with regards to the conditions to be met in national law to qualify for disability benefit, e.g. what constitutes as a loss of earning capacity. One reason for the requirement in the National Insurance Act (NIA) with regards to the degree of reduced earning capacity, is that it otherwise would be difficult to distinguish a reduced earning capacity due to a disability from other conditions, such as old age and non-medical conditions.

With respect to the composition of the disability benefit for the purpose of the Code, according to Chapter 12 of the NIA, the disability benefit will always be a periodical payment. The benefit is calculated in such a manner as to comply with the requirements of Article 65 (cf. Part XII of this report). Since the benefit cannot be computed as a lump sum, Article 36 (3) is not applicable for disability benefit with a legal basis in Chapter 12 of the NIA.

With regards to our obligations under the Code, it can not be decisive how the different Norwegian schemes are organised in national law, given that the relevant scheme is mandatory for all employees (cf. below). Also taking into consideration that coverage under the NIA can be either residence based or based on employment, where the regulation may not always be comparable with welfare systems where coverage is based solely on employment.

## VI - 7. Adjustment of Benefit

Reference is made to Part V-5.

## VI - 8. Payment to non-residents

### **Article 37. C102 and ECSS**

*The benefit specified in Articles 34 and 36 shall, in a contingency covered, be secured at least to a person protected who was employed on the territory of the Member (Contracting Party) concerned at the time of the accident if the injury is due to accident or at the time of contracting the disease if the injury is due to a disease and, for periodical payments in respect of death of the breadwinner, to the widow and children of such person.*

All employees protected under the Norwegian National Insurance Scheme, who were employed in the territory of Norway at the time of the accident, or at the time of

contracting the disease, are entitled to the benefits stipulated in Articles 34 and 36 of C102 and ECSS.

Furthermore, the widow and children of an employee who was employed in the territory of Norway at the time of the accident, or at the time of contracting the disease, are entitled to the periodical payments stipulated in Article 36 of C102 and ECSS without any conditions as to residence.

#### **VI – 9. Qualifying period**

*No qualifying period is allowed under Part VI of C102/ECSS.*

No qualifying periods apply in the case of occupational injury.

The former requirement of having been insured for at least three years immediately prior to claiming benefits for improving the ability to work and the ability to function in everyday life, cf. Chapter 10 of the Norwegian National Insurance Act, has been repealed with effect from 1 January 2018.

#### **VI-10. Duration of Benefit**

##### **Article 38. C102 and ECSS**

*The benefit specified in Articles 34 and 36 shall be granted throughout the contingency, except that, in respect of incapacity for work, the benefit need not be paid for the first three days in each case of suspension of earnings.*

As is stated above, a person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to the full range of the ordinary benefits of the National Insurance Scheme. [However, in the case of occupational injury, the ordinary provisions concerning these benefits are not applied. Instead, special provisions apply, which are generally more favourable than the ordinary provisions.]

Reference is therefore made to Section 10 of Part II of this report as regards Medical Care, to Section 10 of Part III as regards Sickness Benefit, to Section 10 of Part IX as regards Invalidity Benefit and to Section 10 of Part X as regards Survivors' Benefit.

The benefits stipulated in Articles 34 and 36 of C102 and ECSS are granted throughout the contingency.

There is no waiting period in case of incapacity for work.

#### **VI - 11. Suspension of Benefit**

*Reference is made to information provided under Part XIII-1*

As is stated above, a person who is insured under the National Insurance Scheme and who is the victim of an occupational injury, could be entitled to the full range of the ordinary benefits of the National Insurance Scheme. (However, in the case of occupational injury, the ordinary provisions concerning these benefits are not applied. Instead, special provisions apply, which are generally more favourable than the ordinary provisions.) Reference is therefore made to information provided under relevant Parts of this report concerning the suspension of the benefits.

#### **VI - 12. Right of complaint and appeal**

*Reference is made to information provided under Part XIII-2*

#### **VI - 13. Financing and Administration**

*Reference is made to information provided under Part XIII-3*

## Part VII. Family Benefit

**Norway has accepted the obligations resulting from Part VII of C102 and Part VII of the ECSS, as amended by its Protocol.**

### List of applicable legislation

- The Child Benefits Act (barnetrygdloven) of 8 March 2002

### VII - 1. Regulatory framework

#### **Article 39. C102 and ECSS**

*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of family benefit in accordance with the following Articles of this Part.*

Child benefits are provided according to the Child Benefits Act (barnetrygdloven) of 8 March 2002.

### VII - 2. Contingency covered

#### **Article 40. C102 and ECSS**

*The contingency covered shall be responsibility for the maintenance of children as prescribed.*

#### **§1(e) Article 1. C102, §h Article 1. ECSS**

*the term "child" means a child under school leaving age or under 15 years of age, as may be prescribed.*

Child benefits are granted to parents, resident in Norway, who have a child under the age of 18 living with them permanently.

### VII - 3. Persons protected

#### **Article 41. C 102 and Protocol to the ECSS**

*The persons protected shall comprise, [as regards the periodical payments specified in Article 42 - ECSS]:*

*(a) prescribed classes of employees, constituting not less than 50 per cent [80 per cent – Protocol to the ECSS] of all employees; or*

*(b) prescribed classes of the economically active population, constituting not less than 20 per cent [30 per cent – Protocol to the ECSS] of all residents.*

*[(c) all residents whose means during the contingency do not exceed prescribed limits – C102].*

According to Section 2 paragraph 1 of the Child Benefits Act, parents who have a child under the age of eighteen years living with them permanently are entitled to child benefits if the child is resident in Norway in accordance with the provisions of Section 4 of that Act.

In December 2022, 662 630 persons received child benefit, for a total of 1 107 674 children.

## VII - 4. Types of Benefit

### **Article 42. C102 and ECSS**

*The benefit shall be:*

- (a) a periodical payment granted to any person protected having completed the prescribed qualifying period; or*
- (b) the provision to or in respect of children of food, clothing, housing, holidays or domestic help; or*
- (c) a combination of (a) and (b).*

As of May 2023 the monthly amount of child benefit is NOK 1 723 per child aged 0–5 (NOK 20 676 per child per year) and NOK 1 083 per child aged 6–17 (NOK 12 996 per child per year). The child benefit is a flat amount, unrelated to the parents' income, and it is not means tested.

Single parents may claim a supplement (so-called extended child benefit) of NOK 2 489 per month (NOK 29 868 per year). Cohabitants who have children together or have been living together for at least 12 of the last 18 months, are not considered to be single parents, and are therefore not entitled to the extended child benefit.

Single parents with children under the age of three, who are entitled to an extended child benefit and a full transitional benefit according to the National Insurance Act, are entitled to an additional supplement for small children. This supplement is granted per provider, regardless of how many children under the age of three he/she has. As of May 2023, the annual supplement for small children is NOK 678 per month (NOK 8 136 per year).

## VII - 5. Qualifying period

### **§1(f) Article 1 C102, §1(i) Article 1 ECSS**

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

### **Article 43. C102, Article 43 ECSS**

*The benefit specified in Article 42 shall be secured at least to a person protected who, within a prescribed period, has completed a qualifying period which may be three months [one month - ECSS] of contribution or employment, or one year [six months of residence - ECSS], as may be prescribed.*

In 2015, the Committee had questions concerning Article 16 of the European Social Charter – Right of the family to social, legal and economic protection. The questions concerned immigrants' entitlement to family benefits. In the following paragraphs, we therefore provide some information concerning this:

According to the Child Benefits Act, child benefits are granted to a parent/parents of a child who legally reside in Norway. According to Section 4 in the Child Benefits Act, a child is considered resident in Norway for instance when:

- a) the child is born in the realm and the mother has been staying, or is going to be staying, in the realm for more than 12 months, or

b) the child shall stay in the realm for more than 12 months.

It is therefore not required that the child "has resided/has been domiciled for more than 12 months" in Norway, as stated in "Conclusions 2015". It is sufficient that the child "is going to be staying in the realm for more than 12 months". A family who moves to Norway will therefore be entitled to child benefit with effect from the first month after the family arrived in Norway, regardless of nationality, if they can document that they are planning to live in Norway for at least 12 months and have a residence permit or have legal residence on other grounds. According to paragraph 4 of Section 4 of the Child Benefit Act, refugees are entitled to child benefits from the month they are granted asylum or legal residence in Norway.

## VII - 6. Level and Calculation of Benefit

### **Article 44. C102 and Protocol to the ECSS**

*The total value of the benefits granted in accordance with Article 42 to the persons protected shall be such as to represent:*

- [(a) 3 per cent. of the wage of an ordinary adult male labourer, as determined in accordance with the rules laid down in Article 66, multiplied by the total number of children of persons protected; - C102 ] or*
- (b) 2 per cent. of the said wage, multiplied by the total number of children of all residents.*

A. Reference is made to Title I under Article 65:

Title I

A. Recourse is had to Article 65

1. N/A

2. The pay is based on payment for normal working hours, 7.5 hours a day, 5 days a week, 260 days per year. It does not include pay for overtime, but covers basic salaries, variable additional allowances and bonuses. We confirm that the same time basis is used for calculating the benefit and the family allowances.

B.

Recourse is had to Article 65 of the Code, Article 65 of C102 and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2022, the average annual pay for male full-time employees in this category was NOK 512 400.

1. and 2. N/A

B. 1. Child benefits are granted to all children residing in Norway, not only to the groups mentioned in Article 41 (a).

In 2022, the total amount of cash benefits granted in respect of children of the persons protected, was NOK 18 153 000 000.<sup>12</sup> The benefits that have been included in the calculation of the total amount are child benefit for children under the age of 18, included additional benefits for single parents (extra child benefits and additional supplement for children under the age of three).

2. We regret that we are unable to provide the total value of benefits in kind granted in respect of children of the persons protected.

3. However, as mentioned above, in 2022 the total value of cash benefits granted in respect of children of the persons protected was NOK 18 153 000 000.

C. According to Statistics Norway, as of 2021, there were 1 095 371 persons 0–17 years old living in Norway.<sup>13</sup>

(wage x number of children) x percentage

100

= Total value of benefits

Total value of benefits x 100

Percentage =

wage x number of children

18 153 000 000 x 100

= 512 400 x 1 095 371

= 3.2

The total value of benefits in cash (NOK 18 153 000 000), is 3.2 per cent of the wage of the ordinary adult male labourer (NOK 488 520) multiplied by the total number of children of all residents (1 095 371). Means tested benefits in kind, such as cost free child care in kindergartens and after-school recreational programmes, are not included. As stated above, child benefit applies to all families, irrespective of whether the parents are occupationally active. The child benefits are, as shown above, as of 2022 granted at a flat rate of NOK 1 676 for each child aged 0-5 per month and NOK 1 054 for each child aged 6-17 per month. However, single parents are entitled to a supplement (extended child benefit) of NOK 1 054 per month per single parent. A single parent with one child will therefore be entitled to NOK 2 108 per month. Note, however, that the child benefit rates have been changed as of March 2023. In these calculations, however, we use the rates as of 2022. For more about the rates as of March 2023, please see paragraph VII - 4. Types of Benefit.

<sup>12</sup> <https://www.nav.no/no/nav-og-samfunn/statistikk/flere-statistikkomrader/utbetalinger-til-personer-i-norge-per-fylke-og-kommune>

<sup>13</sup> <https://www.ssb.no/statbank/table/10987/?rxid=0f15819a-763d-4c1a-bf09-88e1fb52cceb>



Single parents with children under the age of three, who are entitled to an extra child benefit and to a full transitional benefit from the National Insurance Scheme, are entitled to an additional supplement for small children. This supplement is granted per provider, regardless of how many children under the age of three he/she has. In 2022, the annual supplement for small children is NOK 660 per month (NOK 7 920 per year). A single parent with one child under the age of three, who are entitled to both the extra child benefit and the supplement for small children, is therefore entitled to NOK 2 768 per month. Note, however, that the rate has been changed as of March 2023, please see paragraph VII – 4. Types of Benefit.

The benefits included in the calculation of the total amounts are child benefit for children under the age of 18, included additional benefits for single parents (extended child benefit and additional supplement for children under the age of three), see Part VII-4 of this report, concerning "Types of benefits".

We regret that we are unable to provide the total value of benefits in kind granted in respect of children of the persons protected. However, the major benefit in kind to families with children, is cost free and discounted child care – i.e. kindergarten and after-school recreational programmes, and we would like to provide some information in this regard.

From 1 August 2016, all 3–5 year-olds living in low-income households are entitled to free core time in kindergarten. This means that they are entitled to 20 hours of cost free day-care per week. From August 2019, the right to cost free core time was extended to include 2 year-olds. A national scheme for reducing parental payments for children in low-income families has also been introduced, entailing that no family should pay more than 6 per cent of their income for kindergarten child care. An analysis from 2020 showed that municipalities reported to have spent a total of NOK 813 million<sup>14</sup> on cost free and discounted kindergarten child care in 2019.

In addition, families with more than one child in kindergarten (disregarding the family's income) are entitled to reduced parental payment (siblings discount). For the second child, a minimum reduction of 30 per cent is granted. For the third child or more, a reduction of 50 per cent is granted. Unfortunately, we do not have figures on how much the municipalities spend on this discount scheme.

Neither do we have figures on how much the municipalities spend on the discount scheme for after-school recreational programmes.

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<sup>14</sup> Source: Directorate of Education

## **VII – 7. Duration of Benefit**

### **Article 45. C102 and ECSS**

*Where the benefit consists of a periodical payment, it shall be granted throughout the contingency.*

The child benefit is granted throughout the contingency.

Parents who have a child under the age of eighteen living with them permanently are entitled to child benefit if the child is resident in Norway in accordance with the provisions of Section 4 of the Child Benefits Act.

## **VII - 8. Suspension of Benefit**

*Reference is made to information provided under Part XIII-1*

According to Section 4 paragraph 3 of the Child Benefits Act, a family is entitled to child benefit if they stay temporarily abroad, as long as the stay does not exceed three months.

## **VII – 9. Right of complaint and appeal**

*Reference is made to information provided under Part XIII-2*

## **VII - 10. Financing and Administration**

*Reference is made to information provided under Part XIII-3*

In Norway, child benefits are financed over the State Budget.

### **Taxation of Social Security Benefits**

Child benefits are not taxable income.

## Part VIII. Maternity benefit

*Norway has ratified C183.*

### List of applicable legislation

- Act of 28 February 1997 no. 19 relating to national insurance (National Insurance Act)
- Act of 17 June 2005 no. 104 relating to working environment, working hours and employment protection etc. (Working Environment Act) Regulations of 6 December 2011 no. 1357 concerning the performance of work, use of work equipment and appurtenant technical requirements (Regulations concerning the performance of work)

### VIII - 1. Regulatory framework

#### **Article 46. C102 and ECSS**

*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of maternity benefit in accordance with the following Articles of this Part.*

Since 1978, both parents are entitled to a benefit when giving birth and looking after their new-born. Therefore, the correct term for this benefit is no longer maternity benefit, but parental benefit.

#### *Pregnancy benefits*

An employee who, according to law, has to refrain from working for a certain period prior to confinement, due to hazardous working conditions/environment, is entitled to pregnancy benefits. This applies from the time she stops working and until three weeks prior to birth. Self-employed persons may also be entitled to pregnancy benefits.

#### *Parental benefits*

Insured parents who have been in paid employment etc. for six out of ten months preceding the beginning of the period of paid leave, are entitled to parental benefits in the case of birth, or adoption of a child below the age of 15.

Parental benefits are not payable in the case of adoption of stepchildren. However, the adoptive parent has the same entitlement as fathers in cases where the adoption takes place during the parental benefit period following the birth of the child. This entitlement applies from the time of adoption and for the remaining part of the benefit period.

#### *Lump sum grant on birth or adoption*

Women who do not qualify for parental benefit, are entitled to receive a lump sum grant. For children born or adopted 1 January 2021 or later, the lump sum is NOK 90 300. Fathers who adopt alone or who, under certain circumstances, take over the care for the child, may also be entitled to this grant.

#### *Grants for parents adopting children from abroad*

Parents who adopt children from abroad receive a lump sum grant of 1 B.a. (NOK 118 620 from 1 May 2023).

## VIII - 2. Contingency covered

### **Article 47. C102 and ECSS**

*The contingencies covered shall include pregnancy and confinement and their consequences, and suspension of earnings, as defined by national laws or regulations resulting therefrom.*

### **§1. Article 6. C183**

*Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.*

### **Paragraph 1 - Maternity leave**

#### **Right to maternity benefits**

According to Section 14 of the National Insurance Act of 1997, with later amendments, the parental benefit period in case of birth is 49 weeks with 100 per cent compensation (full rate), or 59 weeks with 80 per cent compensation (reduced rate). In case of adoption, the benefit period is 46 or 56 weeks.

If the parents choose parental benefits with full rate, the parental benefit period is as follows: fifteen weeks of the parental benefit period are reserved for the mother and fifteen weeks are reserved for the father (mother's and father's quota). The remaining sixteen weeks may be allocated between them.

If the parents choose parental benefits with reduced rate, nineteen weeks are reserved for each of the parents and the remaining eighteen weeks may be allocated between them.

Six weeks of the mother's quota has to be take out after birth. In addition, in case of birth, three weeks are reserved for the mother and must be used prior to birth.

In order to be entitled to parental benefits, the person must have been employed for at least six of the last ten months before the benefit period starts. Receipt of some benefits, such as sickness and unemployment benefits, are considered to be equivalent to employment for the purpose of eligibility to parental benefits. Parental benefit are granted to all employees, in the public as well as in the private sector, self-employed persons and freelancers, who fulfil the qualification requirements.

## VIII - 3. Persons protected

### **Article 48. C102 and ECSS**

*The persons protected shall comprise:*

*(a) all women in prescribed classes of employees, which classes constitute not less than 50 per cent of all employees, and, for maternity medical benefit, also the wives of men in these classes; or*

*(b) all women in prescribed classes of the economically active population, which classes constitute not less than 20 per cent of all residents, and, for maternity medical benefit, also the wives of men in these classes.*

According to Statistics Norway, 51 500 children were born in Norway in 2022<sup>15</sup>.

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<sup>15</sup> <https://www.ssb.no/en/befolkning/statistikker/fodte>

According to the Norwegian Labour and Welfare Service 77 591 women and 62 838 men received parental benefits in 2022. In addition, 7 865 persons received the lump-sum grant – providing financial support after child birth to persons who do not fulfil the conditions regarding previous employment.<sup>16</sup>

**Article 2. C183**

1. *This Convention applies to all employed women, including those in atypical forms of dependent work.*
2. *However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature.*
3. *Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, list the categories of workers thus excluded and the reasons for their exclusion. In its subsequent reports, the Member shall describe the measures taken with a view to progressively extending the provisions of the Convention to these categories.*

**§5. Article 6. C183**

*Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.*

The Norwegian regulations encompass all women who are gainfully employed, including those employed in atypical forms of paid work. The scheme includes freelancers and self-employed women, as well as women who are under military service or mandatory civil defence service.

## VIII - 4. Health protection

**Article 3. C183**

*Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.*

The Regulations concerning performance of work<sup>17</sup> were adopted pursuant to the Working Environment Act and have a separate Chapter 7 that deals with work involving risk of reproductive harm. From these regulations, it follows that employers must identify working environment factors that involve reproductive harm and provide information on these, including protections against them. If exposures that represent reproductive harm cannot be avoided, the employer must implement the necessary measures, including use of personal protective equipment.

Pregnant and breastfeeding women must under no circumstances be engaged in work which the risk assessment shows may entail risk of reproductive harm. Pregnant and breastfeeding women shall be reassigned to other work if exposures in the working

<sup>16</sup> <https://www.nav.no/no/nav-og-samfunn/statistikk/familie-statistikk/foreldrepenger-engangsstonad-og-svangerskapspengeter>

<sup>17</sup> Regulations of 6 December 2011 no. 1357 concerning the performance of work, use of work equipment and appurtenant technical requirements (Regulations concerning the performance of work).

environment may pose a risk of reproductive harm. Should such reassignment be impossible, the employer must document this in writing.

Pursuant to Section 14-4 of the National Insurance Act, an employee is entitled to pregnancy allowance if she is ordered to leave her work in accordance with provisions defined in regulations or statutes because of pregnancy, and a reassignment to other work in the same enterprise is impossible.

The Norwegian Labour Inspection Authority has developed a form with a guide intended as a basis for the employer's assessment of whether factors in the working environment entail a risk for employees who are pregnant, recently have given birth or are breastfeeding.<sup>18</sup> The guide provides information which is useful for the employer's assessment of the risk of reproductive harm to which the employees may be exposed.

## VIII - 5. Maternity leave

### **Article 4. C183**

- 1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.*
- 2. The length of the period of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.*
- 3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.*
- 4. With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.*
- 5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.*

Pursuant to Section 12-2 of the Working Environment Act, pregnant employees are entitled to leave of absence for up to 12 weeks during pregnancy. After the birth, the mother shall have maternity leave for the first six weeks, unless she produces a medical certificate stating that an earlier return to work will be beneficial for her, cf. Section 12-4 of the Working Environment Act. Pursuant to these regulations, parents are entitled to a total period of parental leave of 12 months, cf. Section 12-5 of the Working Environment Act.

Pursuant to Chapter 14 of the National Insurance Act, pregnancy and parental allowances are granted during leave of absence as described in the previous paragraph. The leave periods and allowances described above may be taken through part-time leave, cf. Section 12-6 of the Working Environment Act. Part-time leave must be taken within a three-year time frame.

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<sup>18</sup> <https://www.arbeidstilsynet.no/tema/graviditet-og-arbeidsmiljo/skjema-for-tilrettelegging-for-gravide/>

In addition to parental leave for a total of 12 months, as described above, the father is entitled to two weeks of leave to support the mother in connection with the birth. If the parents do not live together, the right to leave of absence may be exercised by another person who assists the mother cf. Section 12-3 of the Working Environment Act. Each of the parents is also entitled to leave for up to twelve months for each birth in addition to parental leave pursuant to Section 12-5, first paragraph. This is stipulated by Section 12-5, second paragraph. These latter leave options do not entail any entitlement to financial support.<sup>19</sup>

If the child is conceived in accordance to the Norwegian law of biotechnology, co mothers are considered parents in this context.

#### VIII - 6. Leave in case of illness or complications

##### **Article 5. C183**

*On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.*

Incapacity for work outside of the parental allowance period occurring as a result of illness, complications or risk of complications associated with pregnancy or birth are considered to constitute ordinary sickness absence and releases an entitlement to sickness benefit, see Chapter 8 of the National Insurance Act on sickness benefit.

#### VIII - 7. Medical Care

##### **Article 49. C102 and ECSS**

*1. In respect of pregnancy and confinement and their consequences, the maternity medical benefit shall be medical care as specified in paragraphs 2 and 3 of this Article.*

*2. The medical care shall include at least:*

*(a) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and  
(b) hospitalisation where necessary.*

*3. The medical care specified in paragraph 2 of this Article shall be afforded with a view to maintaining, restoring or improving the health of the woman protected and her ability to work and to attend to her personal needs.*

*4. The institutions or Government departments administering the maternity medical benefit shall, by such means as may be deemed appropriate, encourage the women protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.*

Reference is made to information provided under Part II – Medical Care.

##### **§7. Article 6. C183**

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<sup>19</sup> The website of the Labour- and welfare administration provides user friendly information regarding parental benefits, both in Norwegian and English: <https://familie.nav.no/om-foreldrepenger>

Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

## VIII - 8. Level and Calculation of Benefit

### **Article 50. C102 and ECSS**

*In respect of suspension of earnings resulting from pregnancy and from confinement and their consequences, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66. The amount of the periodical payment may vary in the course of the contingency, subject to the average rate thereof complying with these requirements.*

The parental benefit period is 49 weeks with 100 per cent compensation or 59 weeks with 80 per cent compensation in case of birth. In the case of adoption, the benefit period is 46 or 56 weeks respectively. The parental benefits are calculated in the same way as cash benefits in the case of sickness.

### **§2-4, 6. Article 6. C183**

*2. Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.*

*3. Where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.*

*4. Where, under national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.*

*6. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.*

Entitlements in cases of pregnancy, birth and adoption are described in Chapter 14 of the National Insurance Act.

The replacement rate is 100 per cent or 80 per cent for income up to 6 B.a.

Recourse is had to Article 65 of the Code, Article 65 of C102 and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2022, the average annual pay for male full-time employees in this category was NOK 512 400. In light of the fact that the average B.a. was NOK 109 784 in 2022, this annual pay is equal to 4.7 B.a.

The benefit does not compensate for the part of the income (if any) which exceeds the ceiling of 6 B.a. (as per 1 May 2023: NOK 711 720). However, large groups of employees are entitled to have this part of the income compensated by their employers, based on collective agreements.

Pregnancy allowance is granted from the time when the employee must cease to work and until three weeks before the birth, cf. Section 14-4 of the National Insurance Act. Thereafter, parental benefits are granted, cf. Section 14-5 of the National Insurance Act.



Pregnancy and parental benefits are granted also to self-employed persons.

Pregnancy and parental allowances are calculated on the basis of income according to the same rules as for sickness benefit, cf. Chapter 8 of the National Insurance Act.

Pregnancy and parental allowances to employees are paid as 100 per cent of income. No pregnancy or parental allowance is granted for the portion of income that exceeds six times the basic amount in the national insurance system.<sup>20</sup>

The entitlement to parental allowance is accumulated through gainful employment for six of the ten last months prior to the start of the payment of the parental allowance. Periods of sickness benefit, allowance paid for care of sick children, parental allowance, pregnancy allowance, work assessment allowance or unemployment benefit are considered equal to gainful employment during periods of unemployment.

Women who have not accumulated any entitlement to parental allowance receive a lump-sum grant.<sup>21</sup> The size of the lump-sum grant is determined by the Parliament. The lump-sum grant is not taxable. In case of multiple births or simultaneous adoption of more than one child, a grant is provided for each child.

## VIII - 9. Qualifying period

### **§1(f) Article 1 C102, §1(i) Article 1 ECSS**

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

### **Article 51. C102 and ECSS**

*The benefit specified in Articles 49 and 50 shall, in a contingency covered, be secured at least to a woman in the classes protected who has completed such qualifying period as may be considered necessary to preclude abuse, and the benefit specified in Article 49 shall also be secured to the wife of a man in the classes protected where the latter has completed such qualifying period.*

Insured parents who have been in paid employment etc. for six out of ten months preceding the period of paid leave, are entitled to parental benefits in the case of birth, or adoption of a child below the age of 15.

## VIII - 10. Minimum duration of Benefit

### **Article 52. C102 and ECSS**

*The benefit specified in Articles 49 and 50 shall be granted throughout the contingency, except that the periodical payment may be limited to 12 weeks, unless a longer period of abstention from work is required or authorised by national laws or regulations, in which event it may not be limited to a period less than such longer period.*

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<sup>20</sup> As of 1 January 2019: NOK 83 140

<sup>21</sup> As of 1 January 2019: NOK 83 140

The parental leave period is 49 weeks with 80 per cent compensation or 59 weeks with 100 per cent compensation in case of birth. In case of adoption, the benefit period is 46 or 56 weeks, depending on whether the parents want 80 or 100 per cent compensation.

If both parents are entitled to parental benefits, fifteen weeks of the benefit period are reserved for the father (the father's quota) and fifteen weeks are reserved for the mother (the mother's quota, which includes the six weeks immediately after birth).

In addition to the mother's quota, in case of birth, the mother is entitled to three weeks prior to birth.

The remaining part of the benefit period may be shared between the parents. However, the father can only make use of the shared parental benefit period if the mother returns to work, takes a publicly approved full-time education, combines work and approved education to give a full time total, is unable to take care of the child because of injury or illness, is admitted to a health institution or takes part in either an introductory programme or a qualification programme on full time. If the mother receives a disability benefit, the father may receive parental benefits for a period equivalent to the father's quota, even if the mother does not go out to work or to take a full-time education etc.

In case of multiple births or adoptions, parents are entitled to parental benefits for seventeen additional weeks for each child more than one if they have chosen 100 per cent compensation, and 21 additional weeks they have chosen 80 per cent compensation. Parents who get three or more children are entitled to (46/56) additional weeks of parental benefit, so that both parents for example may stay at home with the children during the first year.

Parental benefits may be combined with reduced working hours. A written agreement with the employer concerning the extent and duration of the part-time work is required.

The parental benefit is reduced correspondingly, but the benefit period is extended. Both the mother and the father can make use of this possibility. Only the three weeks prior to and the six weeks after the delivery, which are reserved for the mother, are excluded.

The parental benefit period may be postponed if the parent works full-time. A written agreement with the employer must be presented to the Labour and Welfare Service before the start of the postponement. For parents with children born after 1 October 2021, postponing the parental benefit period is no longer conditioned on working full-time and there are no application needed.

The parental benefit must be used within three years of the birth or adoption.

## **VIII - 11. Employment protection and non-discrimination**

### **Article 8. C183**

*1. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its*

*consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.*

*2. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.*

Section 15-9 of the Working Environment Act addresses employment protection in case of pregnancy, as well as after births and adoptions. Pursuant to this provision, an employee who is pregnant cannot be laid off on these grounds. Any lay-off taking place during this period shall be considered to be on the grounds of pregnancy, unless another cause can be shown to be highly probable (so-called negative burden of proof).

Norwegian regulations entail no special protection for a period after the end of the parental leave period, but a dismissal on such grounds would invariably be deemed unfair and thus illegal pursuant to the ordinary regulations on employment protection.

Pursuant to Section 20 of the Gender Equality Act, an employee who has taken parental leave or another type of leave described above under Article 4, has the right to return to the same, alternatively an equivalent, position. An employee who is on leave shall also benefit from the same improvements of the working conditions to which the employee would otherwise have been entitled during the leave period, as well as be able to submit wage claims and be included in collective bargaining on an equal footing with the other employees of the enterprise.

**Article 9. C183**

*1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including - notwithstanding Article 2, paragraph 1 - access to employment.*

*2. Measures referred to in the preceding paragraph shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:*

- (a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or*
- (b) where there is a recognized or significant risk to the health of the woman and child.*

Pursuant to the Act relating to Equality and Prohibition against Discrimination, all discrimination on grounds of gender, pregnancy, parental or adoption leave, or obligations of a caring nature, is prohibited. The prohibition applies to discrimination on grounds of (among other things) a person's actual, assumed, previous or future pregnancies or leave periods, and also applies to discrimination on grounds of the gender of a person with whom the person discriminated against is associated. The Act relating to Equality and Prohibition against Discrimination applies to all areas of society and to both direct and indirect forms of discrimination.

## **VIII - 12. Breastfeeding mothers**

**Article 10. C183**

*1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.*

2. *The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.*

Pursuant to Section 12-8 of the Working Environment Act, women who breastfeed their children may request time off for as long as needed for this purpose. This time off may, for example, be taken for at least half an hour twice daily or as a reduction of working hours by up to one hour each day.

Women who have time off to breastfeed during the child's first year of life are entitled to up to one paid hour on workdays for which the agreed working hours are seven hours or more. This is specified in Section 12-8, second paragraph, of the Working Environment Act.

#### **VIII - 13. Periodic review**

##### **Article 11. C183**

*Each Member shall examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the period of leave referred to in Article 4 or of increasing the amount or the rate of the cash benefits referred to in Article 6.*

Such periodic reviews are undertaken.

#### **VIII - 14. Suspension of Benefit**

Reference is made to information provided under Part XIII-1.

#### **VIII - 15. Right of complaint and appeal**

Reference is made to information provided under Part XIII-2.

#### **VIII - 16. Financing and Administration**

##### **§8. Article 6. C183**

*In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where:*

*(a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or*

*(b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.*

Reference is made to information provided under Part XIII-3.

## Part IX. Invalidation benefit

**Norway has accepted the obligations resulting from Part II of C128 and Part IX of the ECSS, as amended by its Protocol.**

### List of applicable legislation

- National Insurance Act (*folketrygdloven*) of 28 February 1997, with later amendments

### IX - 1. Regulatory framework

#### **Article 53. ECSS, Article 7. C128**

*Each Member (Contracting Party) for which this part of this Convention (Code) is in force shall secure to the persons protected the provision of invalidity benefit in accordance with the following Articles of this Part.*

By an act of 16 December 2011 (amending the National Insurance Act of 28 February 1997), in effect from 1 January 2015, the disability pension was replaced by the disability benefit. All disability pensions were recalculated as disability benefits. There are some transitional rules for persons receiving recalculated benefits.

Regarding disability pension prior to 2015, reference is made to previous reports.

An insured person between the ages of 18 and 67, whose income capacity is permanently reduced by at least 50 per cent due to illness, injury or defect, is entitled to disability benefit if he/she has been insured for at least five<sup>22</sup> years before the contingency. If an insured person is receiving Work Assessment Allowance when the claim for disability benefit is made, it is sufficient that the income capacity is permanently reduced by 40 per cent. In cases of occupational injury, it is sufficient that the income capacity is permanently reduced by 30 per cent.

Recourse is had to Article 65 of the Code and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2022, the average annual pay for male full-time employees in this category was NOK 512 400.

Norway would like to specify with regards to the composition of the disability benefit, that with effect from 1 January 2015 there is no special supplement, the benefit is no longer based on the earning of pension points and, with the exception of the minimum annual disability benefit, there is no distinction between a recipient who is married and others.

The disability benefit is calculated on the basis of the average pensionable income of the best three of the previous five years, before the onset of disability. Income exceeding 6

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<sup>22</sup> Changed from three years to five years, with effect from 1 January 2021.

B.a. (NOK 711 720 as of 1 May 2023) is not taken into account. The disability benefit rate per year is 66 per cent of the calculation basis.

Irrespective of previous income, persons who qualify for disability benefit are as a general rule ensured at least a basic annual disability benefit. A basic annual disability benefit is granted if this results in a higher amount than the earned benefit. The length of the qualifying period for entitlement to disability benefit is irrespective of previous income.

The amount of the basic benefit depends upon whether the person concerned is single or living with a spouse (or registered partner or cohabitant). The yearly minimum is 2.28 B.a. (NOK 270 454) for persons living with a spouse/cohabitant, but it is 2.33 B.a. (NOK 276 385) if the person subsequent to 31 December 2014 received a recalculated disability pension. For others, the yearly minimum is 2.48 B.a. (NOK 294 178).

The disability benefit is adjusted according to the degree of disability (percentage of loss of ability to earn pensionable income). The disability benefit is further adjusted according to the length of the recipient's period of insurance. The period of insurance consists of both insurance periods prior to the onset of disability and calculated future insurance periods. Future periods of insurance up to and including the year in which the person attains the age of 66 are taken into account. Limitations apply if the person has had periods abroad of some length. The actual period is the period from the age of 16 until the disability occurred, while the future period is calculated from the time the disability occurred up to the year the recipient attains the age of 66.

For a full benefit, 40 years of insurance (previous and future) is required. If the sum of previous and future periods of insurance is less than 40 years, the disability benefit will be proportionally reduced. A person living in Norway from the age of 16 to the disability occurred, will automatically receive the full amount of the disability benefit (irrespective of his/her age at the time when the disability occurred). Limitations apply if the person has had periods abroad of some length.

**Invalidity benefits to beneficiaries who were disabled at birth or at a young age (legislative development):**

Insured persons born disabled or having become disabled before reaching the age of 26, are entitled to a higher yearly minimum benefit. The yearly minimum is 2.66 B.a. (NOK 315 529) for persons living with spouse/cohabitant, and 2.91 B.a. (NOK 345 184) for others. However, the requirements of sickness and documentation are stricter than the requirements that apply for the general determination of disability.

**Supplements for children of disability beneficiaries**

A supplement of up to 40 per cent of the Basic amount is on certain conditions granted for each supported child under the age of 18. The child supplement is reduced if the annual income (pension and wages) exceeds certain thresholds. The supplement is reduced by 50 per cent of the exceeding amount. As from 1 May 2023, these limits are:

- For two children living with both parents: NOK 593 100
- For two children living with one of the parents: NOK 415 170

In the period between 1 January 2016 and 30 June 2022, the total amount of disability benefit and children supplement could not exceed 95 per cent of the income prior to the onset of disability. According to an act of 17 December 2021, amending the National Insurance Act with effect from 1 July 2022, there is no longer such a limit.

### **Basic Benefit and Attendance Benefit**

Independent of whether the person receives a disability benefit, the person may qualify for other cash benefits.

A basic benefit is granted if the disability (illness, injury or defect) involves extra expenses above the lowest basic benefit rate. There are six basic benefit rates, which are adjusted by Parliament. Annual rates in 2023 are: NOK 8 462, NOK 12 916, NOK 16 925, NOK 24 931, NOK 33 788 and NOK 42 201.

An attendance benefit may be granted if the disabled person needs special care or nursing. There are four attendance benefit rates, which are adjusted by Parliament. Annual rates in 2023 are: NOK 15 161, NOK 30 322, NOK 60 644 and NOK 90 966. The three highest rates are only granted to persons under the age of 18.

Parents providing special care and nursing for a child, who have received attendance benefit for at least three years, are entitled to attendance benefit for three months after the attention and nursing has come to an end due to the death of the child.

The basic benefit and the attendance benefit are reduced accordingly if granted in addition to a National Insurance benefit which is reduced due to reduced insurance periods. The basic benefit and the attendance benefit are not reduced due to reduced insurance periods in cases where the benefit is granted independently, i.e. not as an addition to a pension.

### **Child benefits**

Reference is made to the information provided under Part VII of this report.

The disability benefit, including the child benefit, shall comprise the invalidity benefit for the purpose of the relevant conventions and shall be taken into account in calculating the replacement rate under the standard scenario.

## **IX - 2. Contingency covered**

### ***Article 54. Protocol to the ECSS***

*The contingency covered shall include inability to engage in any gainful occupation to an extent prescribed, which inability is likely to be permanent or to persist after the exhaustion of sickness benefit. Provided that the prescribed extent of such inability shall not exceed two-thirds.*

**Article 8. C128**

*The contingency covered shall include incapacity to engage in any gainful activity, to an extent prescribed, which incapacity is likely to be permanent or persists after the termination of a prescribed period of temporary or initial incapacity.*

**Disability benefit**

An insured person between the ages of 18 and 67, whose income capacity is permanently reduced by at least 50 per cent due to illness, injury or defect, is entitled to disability benefit if he/she has been insured for at least five years prior to the contingency. If an insured person is receiving Work Assessment Allowance when the claim for disability benefit is made, it is sufficient that the income capacity is permanently reduced by 40 per cent.

**IX - 3. Persons protected**

**Article 55. Protocol to the ECSS**

*The persons protected shall comprise:*

- (a) prescribed classes of employees, constituting not less than 80 per cent of all employees; or*
- (b) prescribed classes of the economically active population, constituting not less than 30 per cent of all residents; or*
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a way as to comply with the requirements of Article 67.*

**Article 9. C128**

*1. The persons protected shall comprise:*

- (a) all employees, including apprentices; or*
- (b) prescribed classes of the economically active population, constituting not less than 75 per cent. of the whole economically active population; or*
- (c) all residents, or residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 28.*

Recourse is had to paragraph 1, subparagraph (a) of C128.

However, all persons insured under the Norwegian National Insurance Scheme are mandatorily insured against invalidity, irrespective of whether or not they have been occupationally active.

For the fiscal year 2020 (the most recent year for which statistical data is currently available), the approximate number of persons aged 17 or older who had registered gross earned income ("pensionable income") equal to or exceeding the basic amount, was 2 468 403. The total number of employed persons in 2020 was 3 057 342.

These figures can be used to calculate the percentage:  $2\,468\,403 / 3\,057\,342 = 81$  per cent.

It must, however, be stressed that it would be incorrect to consider the percentage of covered employees to be 81, as all members of the Norwegian National Insurance Scheme



are mandatorily insured against invalidity, irrespective of whether they have been occupationally active.

This was the case under the old Disability Pension scheme, and it is still the case under the current Disability Benefit scheme.

#### **IX - 4. Level and Calculation of Benefit**

##### **§1. Article 56. Protocol to the ECSS**

*1. The benefit shall be a periodical payment calculated as follows:*

- a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;*
- b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67. Provided that a prescribed benefit shall be guaranteed without a means test to the prescribed classes of persons determined in accordance with sub paragraphs a or b of Article 55, subject to qualifying conditions not more stringent than those specified in paragraph 1 of Article 57.*

##### **Article 10. C128**

*The invalidity benefit shall be a periodical payment calculated as follows:*

- (a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;*
- (b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.*

#### **Disability benefit**

The disability benefit is calculated on the basis of the average pensionable income of the best three of the last five years prior to the onset of disability. (Income exceeding 6 B.a. is not taken into account.) This average income constitutes the calculation basis.

The disability benefit rate per year is 66 per cent of the calculation basis.

The yearly minimum is 2.28 B.a. (or 2.33 B.a., cf. information provided above) for persons living with a spouse/cohabitant, and 2.48 B.a. for others. Insured persons born disabled or having become disabled before reaching the age of 26 due to a severe and clearly documented sickness/injury/default, are entitled to a higher yearly minimum benefit. The yearly minimum is 2.66 B.a. for persons in this category living with a spouse/cohabitant, and 2.91 B.a. for others.

In case of partial disability, the benefit is reduced proportionally.

The disability benefit is taxed as income from work, while the previous disability pension was taxed as pension. The disability benefit rates were increased in order to compensate for the higher tax levels. The disability pensions for persons who were recipients prior to January 2015, were recalculated in such a way that the net effect would be zero for a person whose only income was from disability benefits.

When the benefit is taxed at the same level as income from work, it becomes easier for the recipient to consider his or her options, because it is easier to compare the benefit with income from work.

### **Child supplement**

A recipient of a disability benefit may be entitled to a child supplement if he/she is supporting his/her own children or foster children under the age of 18. The full amount of the child supplement is 0.4 B.a. per child, equal to (NOK 118 620 x 0.4 =) NOK 47 448, as of 1 May 2023.

The child supplement is means-tested. If the income exceeds a certain threshold, the supplement is reduced by 50 per cent of the exceeding amount.

If the child lives with both parents, the income of both parents will be used as a basis to determine the amount of the child supplement. The threshold amount for one child is 4.6 B.a. The threshold amount is increased by 0.4 B.a. for each additional child. If the child lives with only one of the parents, the income of the parent who is eligible for child supplement is used as a basis to determine the amount. The threshold amount for one child is 3.1 B.a. The threshold amount is increased by 0.4 B.a. for each additional child. The income of a spouse or cohabitant who is not the parent of the child, is not taken into account when determining the amount of the supplement.

In this scenario, the standard beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children. As the total income of the standard beneficiary and his wife does not exceed the threshold amount of 5 B.a. (NOK 548 920 as of 2022), the child supplement will not be reduced. The wage of the skilled male worker is NOK 512 400, which is less than the threshold.

The child supplement will be reduced proportionally, if the sum of the beneficiary's previous and future periods of insurance is less than 40 years. Unless the onset of disability occurs when the person is 66 years of age, the supplement will always be calculated with future periods of insurance.

In the following examples, the calculation of the benefits is based on the average B.a. of 2022 (NOK 109 784) in order to fulfil the requirements of paragraph 4 of Article 65 of the Code, concerning calculation "on the same time basis".

#### **Example 1:**

The beneficiary was born in January 1962 and has lived in Norway his/her whole life and becomes disabled in January 2022. The actual insurance period is then equal to the maximum period of 40 years. The beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children.

The child supplement will then amount to:

$$\frac{2 \times 0.4 \times 109\,784 \times 40}{40} = \underline{\text{NOK } 87\,827}$$

Example 2:

The beneficiary was born in January 1988 and has lived in Norway since January 2007 and becomes disabled in January 2022. The actual insurance period is 15 years. The person will be 67 years of age in 2053 and the total insurance period is then equal to the maximum period of 40 years. The beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children.

The child supplement will then be equal to:

$$\frac{2 \times 0.4 \times 109\,784 \times 40}{40} = \underline{\text{NOK } 87\,827}$$

[Resolution CM/ResCSS\(2017\)13 on the application of the European Code of Social Security and its Protocol by Norway \(Period from 1 July 2015 to 30 June 2016\) concerning Part IX \(Invalidity benefit\) of the Code, Article 56, Calculation of the level of benefit with regard to child supplement.](#)

Norway's response:

Reference is made to the information provided above concerning the child benefit.

1. Recourse is had to Article 26, paragraph 6(a).
- A. Reference is made to previous reports as to the calculation of disability pension prior to 2015.

Reference is made to information given under part III – 4 of this report regarding the increase of the B.a. during the period under review.

Recourse is had to the provisions of paragraph 3 of Article 26. The maximum pensionable income for the purposes of the calculation basis is 6 times the B.a.

Recourse is had to Article 26, paragraph 6 (a) for selecting the skilled manual male employee. The standard beneficiary is a fitter or turner in the manufacture of machinery other than electrical machinery.

The data source for the computation of the wages of the standard beneficiary is the official wage statistics from Statistics Norway, all available online. The pay is payment to full-time employees. It does not include pay for overtime, but covers basic salaries, variable additional allowances and bonuses. Basic salary is the salary paid in September, whereas variable additional allowances and bonuses are computed as a monthly average over the period January–September. The annual pay is computed from these official statistics for monthly pay per September by multiplication by 12.

The calculation of the benefits is based on the average B.a. of 2022 (NOK 109 784) in order to fulfil the requirements of paragraph 4 of Article 65 of the Code, concerning calculation "on the same time basis".

B. According to information from Statistics Norway, in 2022 the annual wages of the skilled manual male employee was on average NOK 512 400.

cf. Article 26, Title II

D), E), F) and G):

The standard beneficiary is a male manual employee with a wife and two children. Having lived and worked in Norway from January 2007 until he becomes disabled in January 2022, he has earned 15 years of insurance.

The benefits are calculated on the basis of average pensionable income of the best three of the previous five years before the onset of disability, and actual and future periods of insurance.

Previous earnings equal NOK 512 400 a year.

Reference is made to Article 11, paragraphs 1 and 2.

Unless the onset of disability occurs when a person is 66 years of age, the disability benefit of the Norwegian National Insurance Scheme will always be calculated with future periods of insurance added to the actual insurance period.

If a person is older when arriving in Norway, it should then be presumed that he or she has earned pension/disability rights in the country where he or she resided before coming to Norway. In the event of the standard beneficiary becoming insured under the Norwegian National Insurance Scheme at an advanced age, so that the future period of insurance is limited, there are several bilateral and multilateral social security coordination instruments in place (cf. Part XII of this report), which will ensure entitlement to social security benefits for people who have been working or otherwise have creditable periods in two or more countries. The system, whereby future periods are taken into consideration, ensures that a person becoming disabled and residing in Norway from a young age is eligible for a benefit which equals almost 84 per cent of the standard wage (example 3) after 15 years of residence.

As the years of insurance to be taken into account vary according to the age when the beneficiary becomes disabled and his age when arriving in Norway, we have made three examples: Showing the calculation of invalidity benefit payable to a standard beneficiary born in 1962, 1977 and in 1989.

In the first example, we have calculated the benefit for the standard beneficiary with an actual insurance period of 15 years, who arrived in Norway at the age of 45 and who became disabled at 60.

In the second example, the beneficiary has an insurance period of 32 years, as future years of insurance are taken into account.

In the third example, future periods of insurance gives the beneficiary the 40 years required for full disability benefit.

Note that special rules apply for the calculation of the disability benefit in cases where less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period in these cases is calculated by subtracting 4/5 of the abovementioned period from 40 years (480 months).

Example: 1

The beneficiary is born in January 1962 and has lived in Norway from January 2007, when he was 45 years old. He has an actual insurance period of 15 years when becoming disabled in January 2022 at the age of 60.

In this case, less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period is then calculated by using the following formula:

$$480 \text{ months} - \frac{4 \times 527 \text{ months}}{5} = 58.4 \text{ months} = 4.9 \text{ years}$$

The beneficiary will have an actual insurance period of 15 years, and an expected future insurance period of 4.9 years. The total insurance period will thus be 19.9 years, which will be rounded up to 20 years.

The beneficiary in this example will therefore have a total insurance period of 20 years.

(D)	Disability benefit	$\frac{\text{NOK } 512\,400 \times 66 \times 20}{100 \times 40}$	= <u>NOK 169 092</u>
(E)	Family benefit payable under employment Child benefit – two children		= <u>NOK 32 760</u>
(F)	Child benefit – payable during contingency		= NOK 32 760
	Supplement for two children	$\frac{2 \times 109\,784 \times 40 \times 20}{100 \times 40}$	= NOK 43 914
	Total family benefit during contingency		= <u>NOK 76 674</u>

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$$(D+F)/(C+E) = (169\,092 + 76\,674)/(512\,400 + 32\,760) = 0.4508 : \underline{45.1\%}$$

### Example 2 (cf. Article 10)

The beneficiary is born June 1977 and having lived in Norway from January 2007 he has an actual insurance period of 15 years when becoming disabled in January 2022. The expected future insurance period is 17 years. The beneficiary in this example gets a total insurance period of 32 years.

(D) Disability benefit	$\frac{\text{NOK } 512\,400 \times 66 \times 32}{100 \times 40}$	= <u>NOK 270 547</u>
(E) Family benefit payable under employment		
Child benefit – two children		= <u>NOK 32 760</u>
(F) Child benefit – payable during contingency		= NOK 32 760
Supplement for two children	$\frac{2 \times 109\,784 \times 40 \times 32}{100 \times 40}$	= NOK 70 262
Total family benefit during contingency		= <u>NOK 103 022</u>

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$$(D+F)/(C+E) = (270\,547 + 103\,022)/(512\,400 + 32\,760) = 0.6852; \text{ 68.5 \%}$$

Commented [BSEN1]: Jeg får 0,6852465331 = 68,52

### Example 3 (cf. Article 10)

The beneficiary is born June 1989 and having lived in Norway from January 2007 he has an actual insurance period of 15 years when becoming disabled January 2022. The expected future insurance period is 27 years.

The beneficiary in this example gets a total insurance period of 40 years (maximum).

(D) Disability benefit	$\frac{\text{NOK } 512\,400 \times 66 \times 40}{100 \times 40}$	= <u>NOK 338 184</u>
(E) Family benefit payable under employment		
Child benefit – two children		= <u>NOK 32 760</u>
(F) Child benefit – payable during contingency		= NOK 32 760
Supplement for two children	$\frac{2 \times 109\,784 \times 40 \times 40}{100 \times 40}$	= NOK 87 827
Total family benefit during contingency		= <u>NOK 120 587</u>

- (G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$$(D+F)/(C+E) = (338\,184 + 120\,587)/(512\,400 + 32\,760) = 0.8415 \text{ ): } \underline{84.2 \%}$$

Example 4 (with reference to the corresponding calculation for survivors' benefit under part X)

The beneficiary is born June 1974 and having lived in Norway from January 2007 he has an actual insurance period of 15 years when becoming disabled in January 2022 at the age of 47.

In this case, less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period is then calculated by using the following formula:

$$480 \text{ months} - \frac{4 \times 378 \text{ months}}{5} = 177.6 \text{ months} = 14.8 \text{ years}$$

The beneficiary in this example gets a total insurance period of 30 years.

(D)	Disability benefit	$\frac{\text{NOK } 512\,400 \times 66 \times 30}{100 \times 40}$	= <u>NOK 253 638</u>
(E)	Family benefit payable under employment		
	Child benefit – two children		= <u>NOK 32 760</u>
(F)	Child benefit – payable during contingency		= NOK 32 760
	Supplement for two children	$\frac{2 \times 109\,784 \times 40 \times 30}{100 \times 40}$	= NOK 65 870
	Total family benefit during contingency		= <u>NOK 98 630</u>

- (G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$$(D+F)/(C+E) = (253\,638 + 98\,630)/(512\,400 + 32\,760) = 0.646 \text{ ): } \underline{64.6 \%}$$

Irrespective of previous income, persons who qualify for a disability benefit are as a general rule ensured at least a basic annual disability benefit.

A basic annual disability benefit is granted if this results in a higher amount than the earned benefit. The length of the qualifying period for entitlement to disability benefit is irrespective of previous income. The amount of the basic benefit depends upon whether the person concerned is single or living with a spouse (or registered partner or

cohabitant). The annual basic disability benefit amounts to 2.28 B.a. if the person concerned is living with a spouse etc.

A standard beneficiary, who has not earned his own disability benefit, would receive an annual disability benefit of NOK 250 308, which equals 49 per cent of the wages of the skilled manual male employee. The basic annual disability benefit is granted at high rate (2.48 B.a.) if the person concerned is single. The basic annual disability benefit will be proportionally reduced, if the sum of the actual and future insurance periods of insurance is less than 40 years.

The benefit is payable as long as the person remains insured. This requirement does not apply if the person has been resident in the Realm for at least 20 years. A person who has been a resident for less than 20 years, is entitled to a disability benefit solely based upon previous income.

A person with a longer period of insurance than 20 years, will receive the full benefit (irrespective of whether it is fully income based or partly or fully based on the (residence based) guarantee of the basic annual disability benefit), even if he/she moves abroad without maintaining his/her insurance coverage under the Norwegian National Insurance Scheme. A recipient who is no longer insured because he/she has left the country and who has been insured for less than 20 years, will be entitled to a disability benefit based on previous calendar years in which he/she has had pensionable income equal to at least one B.a., recalculated based on both previous and future periods of insurance.

As stated above, the basic annual disability benefit will be proportionally reduced, if the sum of the actual and future insurance periods of insurance is less than 40 years.

**2019 CEAR's conclusions - Pending**

*Part IX (Invalidity benefit), Article 56(a) and Part X (Survivors' benefit), Article 62(a) of the Code. Replacement rate of benefits. The Committee notes the information provided by the Government as regards the calculation of invalidity and survivors' pensions, which are not only based on periods of coverage which have actually been completed, but also on future periods between the occurrence of the contingency and the normal pensionable age. The Committee thus requests the Government to provide the calculation of invalidity and survivors' benefits in accordance with Title IV of the report form for a standard beneficiary who has completed 15 years of insurance and for whom a further 15 years of future period have been credited.*

Norway's response:

Example 4 (with reference to the corresponding calculation for survivors' benefit under part X)



The beneficiary is born June 1972 and having lived in Norway from January 2005 he has an actual insurance period of 15 years when becoming disabled in January 2020 at the age of 47.

In this case, less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period is then calculated by using the following formula:

$$480 \text{ months} - \frac{4 \times 378 \text{ months}}{5} = 177.6 \text{ months} = 14.8 \text{ years}$$

The beneficiary in this example gets a total insurance period of 30 years.

	<u>NOK 474 000 x 66 x 30</u>	
(D) Disability benefit	100 x 40	= <u>NOK 234 630</u>

(E) Family benefit payable under employment		
Child benefit – two children		= <u>NOK 25 296</u>

(F) Child benefit – payable during contingency		= NOK 25 296
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Supplement for two children	<u>2 x 98 866 x 40 x 30</u> 100 x 40	= NOK 59 320
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Total family benefit during contingency		= <u>NOK 84 616</u>
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(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$$D+F/C+E = 319\,246/499\,296 = 0.639 \text{ ): } \underline{63.9\%}$$

## IX – 5. Adjustment of benefits

1. The basic annual disability benefit and disability benefit rate is calculated in relation to the Basic amount. The Basic amount is adjusted annually, with effect from 1 May, in accordance with changes in the general income level.

2. and 3.

Period under review	Cost-of-living index <1>	Earnings <1>	Standard benefit <2>		
			Example 1	Example 2	Example 3
A) 2021	116,1	488 520	203 098 <3>	324 957 <4>	406 196 <5>

B) 2022	122,8	512 400	213 006 <3>	340 809 <4>	426 011 <5>
C) per cent A/B	94,5	95,3	95,3	95,3	95,3

<1> 2015 = 100 (Cost-of-living index. Source: Statistics Norway)

<2> The benefit comprises: disability benefit, supplement for two children. Child benefit is not included. The rates for 2021 has been adjusted since the previous report, because the supplement for two children regrettably were not included in the figures. The calculation has been based on the average Basic amount for each year.

<3> The beneficiary has a total insurance period of 20 years (cf. example 1).

<4> The beneficiary has a total insurance period of 32 years (cf. example 2).

<5> The beneficiary has a total insurance period of 40 years (cf. example 3).

Reference is made to Part V-5.
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### 2020 CECAR's comments

*Norway would like to highlight that our answer to the 2020 CECAR's comments, regarding Invalidity benefit, Article 10 of Convention No. 128, is in accordance with the aforementioned stated in the report.*

Invalidity benefit, Article 10 of Convention No. 128. Calculation of the level of benefit. (a) Composition of the disability benefit. With respect to the composition of the disability benefit taken for the purpose of the Convention, the report mentions the basic benefit granted if the disability involves significant extra expenses; the attendance benefit granted if the disabled person needs special attention; the basic amount; the special supplement which is calculated as a percentage of the basic amount; the basic pension which is linked to the time of residence in Norway (insurance period); and the supplementary pension linked to the number of years with income exceeding the B.a. earning pension points. A married receiver of the disability benefit may also be entitled to the special supplement which may be calculated at 74 or 100 per cent of the B.a., or 200 per cent if the pensioner supports a spouse over 60 years of age. Receiving both the special supplement and the supplementary pension is subjected to the special rules prescribing their combined rates and limits. As each element of the disability benefit is subjected to different conditions of entitlement, the Committee asks the Government to specify which of them shall comprise the invalidity benefit for the purpose of the Convention and shall be taken into account in calculating its replacement rate under the standard scenario. Please explain the rules of combining the selected elements and calculating their resulting rates applicable to the standard beneficiary, bearing in mind the requirements of Article 26(3) of the Convention.

Norway's reply:

Recourse is had Article 26 of C128 (subparagraph 6), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2020, the average annual pay for male full-time employees in this category was NOK 468 600.

With regards to the composition of the disability benefit, as of 1 January 2015 there is no special supplement, the benefit is no longer based on the earnings of pension points and with the exception of the minimum annual disability benefit there is no distinction between a recipient who is married and others.

The benefit does not differentiate on the basis of whether the disability involves significant extra expenses or the recipient needs special attention. However, independently of whether the person receives a disability benefit, the person may be qualified for other cash benefits at the same time, such as basic benefits and technical aids.

The disability benefit is calculated on the basis of the average pensionable income of the best three of the previous five years, before the onset of disability. Income exceeding 6 B.a. (NOK 638 394 as of 1 May 2021) is not taken into account. The disability benefit rate per year is 66 per cent of the calculation basis.

The disability benefit is adjusted according to the length of the recipient's period of insurance. The period of insurance consists of both insurance periods prior to the onset of disability and calculated future insurance periods. Future periods of insurance up to and including the year in which the person attains the age of 66 are taken into account. Limitations apply if the person has had periods abroad of some length. The actual period is the period from the age of 16 until the disability occurred, while the future period is calculated from the time the disability occurred up to the year the recipient attains the age of 66.

The recipient is guaranteed a minimum annual disability benefit if this results in a higher amount than the disability benefit which the disabled in fact has earned. Recourse is had to subsection c for further details on the basic benefit.

The disability benefit, including the child benefit, shall comprise the invalidity benefit for the purpose of the relevant conventions and shall be taken into account in calculating the replacement rate under the standard scenario. Recourse is had to subsection d for details on the child supplement.

(b) Qualifying period and future period of insurance. The Committee notes that the method of calculation of the disability benefit takes into account, in addition to the actual insurance period completed before the contingency, the future period of insurance up to and including the year the person attains the age of 66. If less than 80 per cent of the period between the age of 16 and the onset of disability is an insurance period, the future insurance period is then calculated by subtracting 80 per cent of the mentioned period, for 40 years (in the examples given in the report this means up to 62 years). Consequently, the report gives examples of calculations based on the total insurance period of 32 or 40 years, including the actual insurance period of 15 years. The Committee observes that these examples do not follow the method of calculation prescribed by the Convention, inasmuch as the replacement rate of the invalidity benefit for the standard beneficiary is calculated on the basis of the insurance period being longer than the maximum qualifying period stipulated in Article 11 of the Convention for calculating the standard benefit under its paragraph 1 and the reduced benefit under paragraph 2. While including the future period of insurance significantly increases the replacement rate of the disability benefit for the beneficiaries who became invalids early in their life, this calculation formula might not guarantee the minimum level of the benefit prescribed by the Convention to the beneficiaries who have sustained the invalidity at more advanced age. The Committee therefore asks the Government to provide additional examples of the

calculation of the replacement rate of the disability benefit for the standard beneficiary with 15 years of actual insurance period and very short or no expected future insurance period, as may be in the case of the beneficiary who arrived in Norway at the age of 45–50 and became disabled at 60–65.

Norway's reply:

For a full benefit, 40 years of insurance (actual and future) is required. If the sum of previous and future periods of insurance is less than 40 years, the disability benefit will be proportionally reduced. A person living in Norway from the age of 16 to the disability occurred, will automatically receive the full amount of the disability benefit (irrespective of his/her age at the time when the disability occurred). Limitations apply if the person has had periods abroad of some length.

Note that special rules apply for the calculation of the disability benefit in cases where less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period in these cases is calculated by subtracting 4/5 of the abovementioned period from 40 years (480 months).

Example of the calculation of the replacement rate of the disability benefit for the standard beneficiary with 15 years of actual insurance period and very short or no expected future insurance period:

The beneficiary is born in January 1961 and has lived in Norway from January 2006, when he was 45 years old. He has an actual insurance period of 15 years when becoming disabled in January 2021 at the age of 60.

In this case, less than 4/5 of the period from the month after the person attained the age of 16 until he became disabled is an actual insurance period. The future insurance period is then calculated by using the following formula:

$$480 \text{ months} - \frac{4 \times 527 \text{ months}}{5} = 58.4 \text{ months} = 4.9 \text{ years}$$

The beneficiary will have an actual insurance period of 15 years, and an expected future insurance period of 4.9 years. The total insurance period will thus be 19.9 years. Since the total insurance period exceeds three years, this will be rounded up to 20 years.

The beneficiary in this example will therefore have a total insurance period of 20 years.

(D) Disability benefit	$\frac{\text{NOK } 468\,600 \times 66 \times 20}{100 \times 40}$	= <u>NOK 154 638</u>
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(E) Family benefit payable under employment Child benefit – two children		= <u>NOK 28 896</u>
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(F) Child benefit – payable during contingency		= NOK 28 896
Supplement for two children	$\frac{2 \times 100\,853 \times 40 \times 20}{100 \times 40}$	= NOK 40 341
Total family benefit during contingency		= <u>NOK 69 237</u>

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$$D+F/C+E = (154\,638 + 69\,237)/(468\,600 + 28\,896) = \underline{45.0\%}$$

Norway would like to emphasize that in this example, the individual is 45 years old when arriving in Norway. It should then be presumed that he or she has earned pension/disability rights in the country where he or she resided before coming to Norway. In the event of the standard beneficiary becoming insured under the Norwegian National Insurance Scheme at an advanced age, so that the future period of insurance is limited, there are several bilateral and multilateral social security coordination instruments in place (cf. Part XII of this report), which will ensure entitlement to social security benefits for people who have been working or otherwise have creditable periods in two or more countries.

(c) Minimum disability benefit. According to The Norwegian Social Insurance Scheme, January 2015 (p. 12), a beneficiary who has been a resident for less than 20 years, will be entitled to a disability benefit solely based upon previous income, the rate of which would fall much below the level of 50 per cent of the skilled workers' wage guaranteed by Convention No. 128. The Committee notes however that, according to the report on Convention No. 128, the disability benefit is subjected to the yearly minimum of 2.28 B.a. for persons living with a spouse/cohabitant and 2.48 B.a. for others, which permits the Government to calculate the replacement rate of the disability benefit also under Article 27 of Convention No. 128 by reference to the unskilled workers' wage. In 2015, the minimum amount paid at the ordinary rate for a married disabled person was NOK 205,355 and would be higher than 50 per cent of the unskilled worker's wage required by the Convention. The Committee asks the Government to specify the conditions under which the minimum disability benefit is granted at the ordinary or high rate and to show that the rate applicable to the standard beneficiary complies with the requirements of Article 27 of Convention No. 128.

Norway's reply:

Irrespective of previous income, persons who qualify for disability benefit are as a general rule ensured a basic annual disability benefit. A basic annual disability benefit is granted if this results in a higher amount than the earned benefit. The length of the qualifying period for entitlement to disability benefit is irrespective of previous income.

The amount of the basic benefit depends upon whether the person concerned is single or living with a spouse (or registered partner or cohabitant). The yearly minimum is 2.28 B.a. (NOK 242 590 as of May 1 2021) for persons living with a spouse/cohabitant, but it is 2.33 B.a. (NOK 247 910 as of May 1 2021) if the person subsequent to 31 December 2014 received a recalculated disability pension. For others, the yearly minimum is 2.48

B.a. (NOK 263 870 as of 1 May 2021). The basic annual disability benefit will be proportionally reduced, if the sum of previous and future insurance periods of insurance is less than 40 years.

A standard beneficiary, who has not earned his own disability benefits, would receive an annual disability benefit of NOK 242 590 as of 2020, which equals 51,77 per cent of the unskilled worker's wage. As mentioned, the disability benefit, including the child benefit, shall comprise the invalidity benefit for the purpose of the relevant conventions and shall be taken into account in calculating the replacement rate under the standard scenario. The benefit for the standard beneficiary would therefore be higher, due to the child benefit. Reference is made to subsection d for details on the child supplement.

(d) Child supplement. The Committee notes that calculations of the level of the disability benefit include a supplement for two children taken at the full rate of 40 per cent of the basic amount (B.a.) for each supported child under the age of 18, while the report indicates that this supplement is income-tested and may be granted up to 40 per cent of the B.a. on certain conditions. The child supplement is reduced if the annual income (pension and wages) exceeds certain limits (as from 1 May 2021, NOK 531 995 for two children living with both parents). The Committee also notes that the child supplement is calculated in proportion to the total insurance period of the disabled pensioner including future years of insurance after the onset of the disability. If the Government would like to continue including the child supplement in the calculation of the replacement level of the disability benefit, the Committee would ask it to: (a) state the qualifying conditions under which the supplement is granted and the rules of calculating its amount; (b) specify the conditions and the rate which would apply to the standard beneficiary under Part II (Invalidity benefit) of Convention No. 128; (c) provide examples where the child supplement is calculated for the standard beneficiary who has completed the maximum qualifying period stipulated in Article 11 of the Convention without adding to it any future years of insurance; and (d) confirm that the income limit for the child supplement is set high enough to ensure that the supplement will be paid to all persons protected whose earnings do not exceed those of the skilled manual male employee. The Committee nevertheless would like to remind the Government that, in principle, income- or means-tested benefits or supplements are not taken into account for the purpose of calculating the replacement level of benefits under Article 26 of the Convention. Moreover, it may be useful to recall that, with regard to the disability benefit, Article 56(1)(b) of the ECSS, as amended by the Protocol, expressly stipulates that, even if the protection under Part IX (Invalidity benefit) is provided by way of the means-tested benefits, "a prescribed benefit shall be guaranteed without a means test to the prescribed classes of persons determined in accordance with sub-paragraphs (a) or (b) of Article 55, subject to qualifying conditions not more stringent than those specified in paragraph 1 of Article 57".

Norway's reply:

(a) state the qualifying conditions under which the supplement is granted and the rules of calculating its amount;

A recipient of a disability benefit may be entitled to a child supplement if he/she is supporting his/her own children or foster children under the age of 18. The full amount

of the child supplement is 0.4 B.a. per child, equal to (NOK 106 399 x 0.4 =) NOK 42 560, as of 1 May 2021.

The child supplement is means-tested. If the income exceeds a certain threshold, the supplement is reduced by 50 per cent of the exceeding amount.

If the child lives with both parents, the income of both parents will be used as a basis to determine the amount of the child supplement. The threshold amount for one child is 4.6 B.a. The threshold amount is increased by 0.4 B.a. for each additional child.

If the child lives with only one of the parents, the income of the parent who is eligible for child supplement is used as a basis to determine the amount. The threshold amount for one child is 3.1 B.a. The threshold amount is increased by 0.4 B.a. for each additional child. The income of a spouse or cohabitant who is not the parent of the child, is not taken into account when determining the amount of the supplement.

The total sum of the disability benefit and child supplement may not exceed 95 per cent of the recipient's income prior to the onset of the disability. The child supplement will be reduced proportionally, if the sum of the beneficiary's previous and future periods of insurance is less than 40 years.

b)

In this scenario, the standard beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children. As the total income of the standard beneficiary and his wife does not exceed the threshold amount of 5 B.a. (NOK 531 995, as of 1 May 2021), the child supplement will not be reduced.

c)

Examples of the calculation of child supplement is given below.

The ministry would like to emphasise that Example 2a is incorrect with regard to what the beneficiary would actually be entitled to, as we are asked not to include future years of insurance when calculating the supplement. Unless the onset of disability occurs when the person is 66 years of age, the Disability Benefit will always be calculated with future periods of insurance. Example 2b, however, shows what the same beneficiary would be entitled to in accordance with the provisions of the National Insurance Act.

Example 1:

The beneficiary was born in January 1961 and has lived in Norway his/her whole life and becomes disabled in January 2021. The actual insurance period is then equal to the maximum period of 40 years. The beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children.

The child supplement will then amount to:

$$\frac{2 \times 0.4 \times 100\,823 \times 40}{40} = \text{NOK } 80\,682$$

Example 2a:

The beneficiary was born in January 1987 and has lived in Norway since January 2006 and becomes disabled in January 2021. The actual insurance period is 15 years. The person will be 67 years of age in 2053 and the total insurance period is then equal to the maximum period of 40 years. The beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children.

The child supplement will then be equal to:

$$\frac{2 \times 0.4 \times 100\,853 \times 15}{40} = \text{NOK } 30\,256$$

Example 2b:

The beneficiary was born in January 1987 and has lived in Norway since January 2006 and becomes disabled in January 2021. The actual insurance period is 15 years. The person will be 67 years of age in 2053 and the total insurance period is then equal to the maximum period of 40 years. The beneficiary has a wife and two children. The child supplement is 0.4 B.a. for each of the two children.

The child supplement will then be equal to:

$$\frac{2 \times 0.4 \times 100\,853 \times 40}{40} = \text{NOK } 80\,682$$

d)

Norway's reply:

The wage of the unskilled male worker is NOK 468 600, which is less than the threshold for two children of 5 B.a. (equal to NOK 504 265, as of 2020).

## IX - 6. Qualifying period

### **§1(i) Article 1 ECSS, C128**

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

### **Article 57. ECSS**

1. The benefit specified in Article 56 shall, in a contingency covered, be secured at least:

(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or  
(b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.

2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:

(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or  
(b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.



3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the pension corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

**Article 11. C128**

1. The benefit specified in Article 56 shall, in a contingency covered, be secured at least:
- (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
- (b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
- (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
- (b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with paragraph 1.b of this article has been paid.
3. The requirements of paragraph 1 of this article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the pension corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this article.
5. The requirements of paragraphs 1 and 2 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V is secured at least to a person protected who has completed, in accordance with prescribed rules, a qualifying period of contribution or employment which shall not be more than five years at a prescribed minimum age and may rise with advancing age to not more than a prescribed maximum number of years.

An insured person between the ages of 18 and 67, whose income capacity is permanently reduced by at least 50 per cent due to illness, injury or defect, is entitled to disability benefit if he/she has been insured for at least five years prior to the contingency. As a general rule, all persons who are either resident or working as employees in Norway or on movable installations on the Norwegian Continental Shelf, are compulsorily insured under the Norwegian National Insurance Scheme.

The disability benefit is calculated on the basis of the average pensionable income of the best three of the last five years before the onset of disability. The yearly minimum is 2.28 B.a. or 2.33 B.a. for persons living with a spouse/cohabitant, and 2.48 B.a. for others. The calculation of the benefit is linked to the insurance period, i.e. the time of residence or work in Norway. Recourse is made to our previous reports, and reference is made to the remarks above (Article 10) concerning the amount of future expected years to be included.

Recourse is had to paragraphs 1 and 2.

### **Calculation of reduced benefit**

The benefit is calculated in the case of a standard beneficiary on the basis of an insurance period (work or residence in Norway) of 5 years. Unless the onset of disability occurs when the person is 66 years of age, the supplement will always be calculated with future periods of insurance.

Reference is made to examples and calculations above under Article 10.

The standard beneficiary is a male manual employee with a wife and two children. Previous earnings equal NOK 512 400 a year.

#### **Example 1 (cf. Article 11)**

The beneficiary is born June 1977 and having lived in Norway from January 2017 he has an actual insurance period of 5 years when disabled January 2022. Unless the onset of disability occurs when the person is 66 years of age, the supplement will always be calculated with future periods of insurance.

The beneficiary in this example gets a total insurance period of 22 years.

(D) Disability benefit	$\frac{\text{NOK } 512\,400 \times 66 \times 22}{100 \times 40}$	= <u>NOK 186 001</u>
(E) Child benefit - two children		= <u>NOK 32 760</u>
(F) Child benefit during contingency		= NOK 32 760
Supplement for two children	$\frac{2 \times 109\,784 \times 22 \times 40}{100 \times 40}$	= NOK 48 305
Total family benefit during contingency		= <u>NOK 81 065</u>

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$$(D+F)/(C+E) = (186\,001 + 81\,064)/(512\,400 + 32\,760) = 0.489: \underline{49.0\%}$$

#### **Example 2 (cf. Article 11)**

The beneficiary is born June 1982 and having lived in Norway from January 2017 he has an actual insurance period of 5 years when disabled January 2021. Unless the onset of disability occurs when the person is 66 years of age, the supplement will always be calculated with future periods of insurance.

The beneficiary in this example gets a total insurance period of 26 years.

(D) Disability benefit	$\text{NOK } 512\,400 \times 66 \times 26$
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	100 x 40	= <u>NOK 219 820</u>
(E) Child benefit – two children		= <u>NOK 32 760</u>
(F) Child benefit		= NOK 32 760
Supplement for two children	$\frac{2 \times 109\,784 \times 26 \times 40}{100 \times 40}$	= NOK 57 088
Total family benefit during contingency		= <u>NOK 89 848</u>

(G) Sum of benefits payable under contingency (D+F) as the per cent of the sum of the standard wage and family benefit payable under employment (C+E)

$$(D+F)/(C+E) = (219\,820 + 89\,848)/(512\,400 + 32\,760) = 0.568 : \underline{56.8\%}$$

Insurance under the National Insurance Scheme will as a general rule be terminated for a person who resides outside of Norway for more than 12 consecutive months (or for more than six months per year), or who take up work abroad. However, if compulsory membership is terminated, the person may be entitled to a voluntary membership.

Residence or work abroad are the only situations in which the compulsory insurance will be terminated. This is in compliance with the Code, cf. subparagraph (a) of Article 68. See also Article 69 subparagraph (a) of C102 and Article 32 subparagraph 1 (a) of C128, which allows for suspension of the benefit as long as the person is absent from the territory of Norway.

The disability benefit is payable as long as the person remains insured. This requirement does not apply if the person has been resident in the scheme for at least 20 years. A recipient who is no longer insured because he/she has left the country and who has been insured for less than 20 years, will be entitled to a disability benefit based on previous calendar years in which he/she has had pensionable income equal to at least one B.a., recalculated based on both previous and future periods of insurance.

As the Norwegian National Insurance Scheme is residence based, the typical reason why a person is insured under the Norwegian National Insurance Scheme is that he/she is resident in Norway. However, one will also be compulsorily insured under the Norwegian National Insurance Scheme while working in Norway and residing abroad. A reduced disability benefit would therefore indeed be payable to a standard beneficiary who could justify five years of contribution or employment, but not residence in Norway. As regards the calculation in such a situation, reference is made to the examples given under Part IX – 6 of this report.

#### **2020 CECAR's comments**

Article 11(1) of Convention No. 128. Qualifying period and condition of insurance. According to The Norwegian Social Insurance Scheme, January 2015, the disability benefit is payable as long as the person remains insured, this requirement being waived if the person has been resident in Norway for at least 20 years. The Committee concludes that

persons protected who have completed a qualifying period of only 15 years of contribution or employment or ten years of residence, will lose their disability benefit if their insurance is terminated. Please explain what other reasons, besides reaching the age limit of 67 years, might lead to the termination of insurance and the consequent loss of the disability benefit in such cases.

Norway's reply:

As stated in the report, insurance under the National Insurance Scheme will as a general rule be terminated for a person who resides outside of Norway for more than 12 consecutive months (or for more than six months per year), or who take up work abroad. If compulsory membership is terminated, the person may be entitled to a voluntary membership under specified conditions.

Residence or work abroad are the only situations in which the compulsory insurance will be terminated.

Norway would like to clarify that it is not accurate that persons "who have completed a qualifying period of only 15 years of contribution or employment or ten years of residence, will lose their disability benefit if their insurance is terminated".

Invalidity benefit may under specified conditions be paid abroad. This applies not only to the contributory components of the benefit. However, a recipient of disability benefit who is no longer insured under the scheme because he/she has left the country and who has been insured for less than 20 years, will be entitled to a disability benefit based solely on previous calendar years in which he/she has had pensionable income equal to at least one B.a., recalculated based on both previous and future periods of insurance. This is in compliance with article 32 subparagraph 1 (a) of C128.

## **IX - 7. Duration of Benefit**

### **Article 58. ECSS**

*The benefit specified in Articles 56 and 57 shall be granted throughout the contingency or until an old age benefit becomes payable.*

### **Article 12. C128**

*The benefit specified in Articles 56 and 57 shall be granted throughout the contingency or until an old-age benefit becomes payable.*

The benefit is granted throughout the contingency or until an old age benefit becomes payable.

The age limit for entitlement to Disability Benefit is 67 years, which means that the last payment will take place in the month in which the recipient attains the age of 67. Old-age Pension may, however, be drawn from the month after the insured person attains the age

of 62, provided that certain conditions are met. A person may therefore, between the age of 62 and 67, receive both a partial old-age pension and a partial disability benefit at the same time, i.e. up to a 100 per cent accumulated benefit. Future periods of insurance are calculated up to the age of 67.

In our previous reports the examples of calculation of the replacement rate of the Disability Benefit, future periods of insurance were calculated up to the age of 62, instead of 67. As a general rule, future periods of insurance are indeed calculated up to the age of 67. However, special provisions apply in cases where less than 4/5 of the period from the month after the person attained the age of 16 until he/she became disabled is an actual insurance period. The future insurance period is then calculated by subtracting 4/5 of the above mentioned period from 40 years (480 months), cf. examples under Article 56 ECSS, Article 10 C128.

### **2020 CECAR's comments**

Article 12 of Convention No. 128. Age limit for the duration of benefit. According to the report on Convention No. 128, since 1 January 2015, new disability benefits are granted to an insured person between 18 and 67 years of age, while old-age pension can be drawn between 62 and 75 years of age. The Committee recalls that, according to Article 12 of the Convention, the disability benefit shall be granted throughout the duration of disability or until an old-age benefit becomes payable; its duration therefore cannot be limited by a prescribed age which in certain cases, as in Norway, might be lower than the pensionable age. With respect to the number of employees over 67 years of age who may thus be excluded from the persons protected under Part II of Convention No. 128, the report shows that the number of persons with insurable income at the age of between 17 and 67 constituted 85.8 per cent of the total number of employed persons between the ages of 17 and 74, which means that a substantial number of persons continued to work after reaching the age of 67 years. Recalling that under Convention No. 128, Norway has undertaken to provide the disability benefit to all employees until it is replaced by the old-age pension, the Committee asks the Government to explain how protection is ensured to disabled pensioners who, after attaining the age of 67, have not yet claimed their old-age pension. Please also explain why in the examples of calculation of the replacement rate of the disability benefit given in the report, the future periods of insurance are calculated up to the age of 62 years instead of 67, while in similar examples concerning the survivors' benefit these future periods are calculated up to the age of 67 years, when the surviving spouse may be transferred to the old-age pension.

#### Norway's reply:

As stated in the report, the age limit for entitlement to Disability Benefit is 67 years, which means that the last payment will take place in the month in which the recipient attains the age of 67. At this time the disability benefit will be replaced by old-age pension. Old-age pension may be drawn from the month after the insured person attains the age of 62, provided that certain conditions are met. A person may, however, not receive both old-

age pension and full disability benefit at the same time. If the person receives less than 100 per cent disability benefit, he/she may receive partly old age pension between 62 and 67. The sum of the percentages of disability benefit and old age pension may not be above 100 per cent.

We are asked to explain why the future periods of insurance were calculated up to the age of 62, instead of 67, in the examples of calculation of the replacement rate of the Disability Benefit in our previous report. As a general rule, future periods of insurance are indeed calculated up to the age of 67. However, special provisions apply in cases where less than 4/5 of the period from the month after the person attained the age of 16 until he/she became disabled is an actual insurance period. The future insurance period is then calculated by subtracting 4/5 of the above mentioned period from 40 years (480 months). This is the reason for the limited future period of insurance in the aforementioned example.

## IX – 8. Rehabilitation services

### **§2. Article 56. Protocol to the ECSS**

*Measures shall be taken to provide for functional and vocational rehabilitation services, and to maintain appropriate facilities to assist handicapped persons in obtaining suitable work, including placement services, assistance in helping them transfer to another district when necessary to find suitable employment, and related services.*

### **Article 13. C128**

*1. Each Member for which this Part of this Convention is in force shall, under prescribed conditions:*

- (a) provide rehabilitation services which are designed to prepare a disabled person wherever possible for the resumption of his previous activity, or, if this is not possible, the most suitable alternative gainful activity, having regard to his aptitudes and capacity; and*
- (b) take measures to further the placement of disabled persons in suitable employment.*

## Location and accessibility of the NAV office and online presence

NAV offices are designed to meet National obligations regarding general accommodation, securing accessibility for all persons, including persons with disabilities. There are NAV offices in all municipalities in Norway. To ensure all persons access to the NAV office, it is always located so it is easily accessible with public transport, often in the city or town centre. User participation is central when deciding on location and adapting the office to ensure accessibility to all persons.

The Labour and Welfare Service's website [www.nav.no](http://www.nav.no) is designed in compliance with National regulations on universal design of information and communications technology. This ensures accessibility and a user-friendly design for persons with disabilities. People with various types of disabilities are included in the development of the website. This way, the online communication aims to meet the needs and expectations of persons with disabilities. Additionally, persons may contact the Labour and Welfare Service (NAV) over the phone or by online chat service.

Norway have in earlier reports provided information related to the Committee's request on the results of the memorandum of understanding on an Inclusive Working Life from March 2014 to December 2018.

The government and the social partners have committed to a new Letter of Intent regarding a more inclusive working life for the years 2019–2022. The agreement aims for high employment rates by preventing and reducing absence due to sickness and withdrawal from employment. The 2019–2022 agreement aims for a 10 per cent reduction in sick leave compared to the annual average in 2018 and for a reduction in withdrawal from work (concrete aim not yet specified).

Work Assessment Allowance was introduced in 2010.

Insured persons may be entitled to Work Assessment Allowance if residing in Norway and having been insured for at least five years immediately prior to claiming the allowance. An insurance period of one year is sufficient if the claimant was insured when the working capacity was reduced, and the insurance periods after the age of 16 are at least equal to the periods without insurance, or if the claimant after the age of 16 has been insured with the exception of maximum five years.

Work Assessment Allowance is granted to insured persons between the ages of 18 and 67 whose working capacity is reduced by at least 50 per cent. Illness, injury or defect must be a significant contributory factor to the reduced work capacity.

Work Assessment Allowance shall cover living expenses and is normally granted when the person in question is undergoing active treatment or vocational measures, or when the person in question has tried such measures and is still considered to have a certain possibility of becoming employed, and is being followed up by the Norwegian Labour and Welfare Service.

Work Assessment Allowance is calculated on the basis of the pensionable income the year before the working capacity was reduced by at least 50 per cent. The Work Assessment Allowance shall, however, be calculated on the basis of the average pensionable income of the last three calendar years prior to the contingency, if this results in a higher basis. The maximum calculation basis is 6 B.a. (NOK 711 720). The benefit rate per year is 66 per cent of the calculation basis, and is paid for five days a week. Insured persons who had low, or no, pensionable income before the working capacity was reduced by at least 50 per cent, is guaranteed a minimum annual benefit of 2 B.a. (NOK 237 240), and 2/3 of 2 B.a. for recipients under the age of the 25. In addition, a child supplement of NOK 35 is granted for each dependent child under the age of 18. The supplement is paid for five days a week.

Supplementary allowances can be granted to insured persons between the ages of 18 and 67. These allowances shall fully or partially compensate for expenses which they have incurred while undergoing vocational measures.

## IX - 9. Suspension of Benefit

### ***Reference is made to information provided under Part V-8 and Part XIII-1.***

An insured person whose income capacity is permanently reduced by at least 50 per cent due to illness, injury or defect, is entitled to a disability benefit. If the disability is due to an approved occupational illness or injury, it is sufficient that the income capacity is permanently reduced by at least 30 per cent.

In the case of a partial disability, the benefit is reduced proportionally. This can either be based on actual income, or the recipient's possibility to have an income, as determined by the Labour and Welfare Administration. There are, however, no sanctions in the form of the suspension of the partial benefit if the person concerned does not utilize his or her residual work ability. The same rules apply in case of disability caused by employment injury.

Sections 12-19 and 12-20 of the National Insurance Act governs the entitlement to Disability Benefit while admitted to a social security institution or service at public expense as well as imprisonment. In accordance with Section 12-19 of the National Insurance Act, the Disability Benefit is reduced to 14 per cent from the fourth month after the stay commenced. A recipient maintaining a spouse or child/children is, however, not subject to a reduction while admitted to a social security institution or service at public expense.

While serving a prison sentence, the Disability Benefit is in accordance with Section 12-20 of the National Insurance Act, suspended from the second month of incarceration. However, a recipient maintaining a child is subject to a reduction which constitute only 50 per cent of the disability benefit.

If a person has made a fraudulent claim and as such does not fulfil the requirements of the specific benefit, the decision to grant the benefit may be reversed in accordance with Section 35 of the Public Administration Act, effectively suspending the benefit. The benefit may also be suspended in accordance with paragraph 1 of Section 21-7 of the National Insurance Act, provided that the recipient knowingly provides false information. If a person has received any benefit on the basis of a fraudulent claim, he or she may be instructed to pay back the full amount of benefit in accordance with Section 22-15 of the National Insurance Act.

Paragraph 2 of Section 21-8 of the National Insurance Act states that a benefit may be suspended if the recipient's actions may aggravate his or her health condition or prolong his or her incapacity to work. In order to suspend the benefit in accordance with this provision, the recipient should be aware that his or her actions may have such consequences. The benefit may also be suspended if the recipient without just cause



refuses to make use of medical treatment or rehabilitation services placed at his or her disposal.

#### **IX - 10. Right of complaint and appeal**

*Reference is made to information provided in Part V-9 and Part XIII-2.*

#### **X - 11. Financing and Administration**

*Reference is made to information provided in Part V-10 and Part XIII-3*

#### **Taxation**

The disability benefit is taxed as income from work.

## Part X. Survivors' benefit

**Norway has accepted the obligations resulting from Part IV of C128 and Part X of the ECSS, as amended by its Protocol.**

### List of applicable legislation

National Insurance Act (*folketrygdloven*) of 28 February 1997, with later amendments  
Child Benefits Act (*barnetrygdloven*) of 8 March 2002, with later amendments

### X - 1. Regulatory framework

#### **Article 59. ECSS, Article 20. C128**

*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of survivors' benefit in accordance with the following Articles of this Part.*

Survivors' benefit is secured to the persons protected in accordance with the provisions of the Norwegian National Insurance Act.

### X - 2. Contingency covered

#### **Article 60. ECSS**

*1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.*

*2. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount, and, if non contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.*

#### **Article 21. C128**

*1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner.*

*2. In the case of a widow the right to a survivors' benefit may be made conditional on the attainment of a prescribed age. Such age shall not be higher than the age prescribed for old-age benefit.*

*3. No requirement as to age may be made if the widow:*

*(a) is invalid, as may be prescribed; or*

*(b) is caring for a dependent child of the deceased.*

*4. In order that a widow who is without a child may be entitled to a survivors' benefit, a minimum duration of marriage may be required.*

#### **§1(e) Article 1.C128**

*The term "dependent" refers to a state of dependency which is presumed to exist in prescribed cases.*

A surviving spouse (or cohabitant who previously has been married to or has children with the deceased), who has not attained the age of 67, who has not started drawing old-age pension and who is not entitled to a disability pension, is entitled to pension benefits if he/she is insured under the Norwegian National Insurance Scheme and the deceased was insured for at least five years immediately prior to death. The surviving spouse is also entitled to benefits if the deceased had been drawing a pension for a period of at least five years prior to his/her death, without being insured under the Norwegian National Insurance Scheme. If the deceased had earned a supplementary pension, the surviving

spouse is not required to be insured. In these cases, a corresponding basic pension is also granted. Furthermore, the condition that the survivor shall be insured is waived if either the survivor or the deceased has an insurance period of 20 years or more between the ages of 16 and 66.

Survivors' pension is granted to a surviving spouse etc. if the marriage lasted for five years or the survivor has or previously had children with the deceased or is taking care of the children of the deceased and the aggregated duration of the marriage and the period of care after the death is at least five years.

A divorced spouse etc. who has not remarried at the time of the death of the former spouse, is entitled to benefits according to the same rules provided that the death occurs within five years after the divorce, and the marriage has lasted for at least 25 years, or 15 years if there were children in the marriage. The five-year requirement does not apply if the divorced survivor at the time of the death was receiving maintenance payments from the deceased. The benefits terminate if the beneficiary re-marries.

Survivors may, in addition to the survivors' pension, be eligible for other benefits for survivors:

- An education benefit is granted to a surviving spouse who wishes to undergo education or vocational training to be able to maintain him-/herself.
- Child care benefit is granted to a surviving spouse etc. who, due to education or work, must leave the necessary care of the children to someone else. The benefit equals 64 per cent of the expenses for child care, but is limited to NOK 52 428 for the first child, NOK 68 400 for two children and NOK 77 520 for three or more children. If the surviving spouse etc. has income exceeding 6 B.a. (NOK 711 720), he/she receives no child care benefit.
- When a surviving spouse etc. must move to find work, grants are made to cover moving expenses.

The aforementioned benefits may be granted even if the deceased does not fulfil the requirement of five years of insurance immediately prior to the contingency, provided that the survivor is insured under the Norwegian National Insurance Scheme.

### **Children's Pension**

Children under the age of 18, insured under the Norwegian National Insurance Scheme, are entitled to a children's pension if one or both parents are deceased. It is a requirement that the deceased was insured under the Norwegian National Insurance Scheme for five years immediately prior to the death. The surviving child is also entitled to benefits if the deceased had been drawing a pension for a period of at least five years immediately prior to his/her death, without being insured under the Norwegian National Insurance Scheme.

If both parents are deceased, children undergoing education may receive the pension up to the age of twenty.

### **X - 3. Persons protected**

#### **§1(f) Article 1 ECSS, C128**

The term "wife" means a wife who is maintained [dependent on – C128] by her husband.

#### **Article 61. Protocol to the ECSS**

The persons protected shall comprise:

- (a) the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 80 per cent of all employees; or
- (b) the wives and the children of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 30 per cent of all residents; or
- (c) all resident widows and resident children who have lost their breadwinner and whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.

#### **Article 22. C128**

1. The persons protected shall comprise:

- (a) the wives, children and, as may be prescribed, other dependants of all breadwinners who were employees or apprentices; or
- (b) the wives, children and, as may be prescribed, other dependants of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 75 per cent. of the whole economically active population; or
- (c) all widows, all children and all other prescribed dependants who have lost their breadwinner, who are residents and, as appropriate, whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the provisions of Article 28.

2. Where a declaration made in virtue of Article 4 is in force, the persons protected shall comprise--

- (a) the wives, children and, as may be prescribed, other dependants of breadwinners, in prescribed classes of employees, which classes constitute not less than 25 per cent. of all employees; or
- (b) the wives, children and, as may be prescribed, other dependants of breadwinners in prescribed classes of employees in industrial undertakings, which classes constitute not less than 50 per cent. of all employees in industrial undertakings.

Recourse is had to paragraph 1(a) of C128. However, widows and widowers may qualify for a Survivors' Pension irrespective of whether the deceased was occupationally active.

### **X - 4. Level and Calculation of Benefit**

#### **Article 62. Protocol to the ECSS**

The benefit shall be a periodical payment calculated as follows:

- (a) where the wives and children of breadwinners in classes of employees or classes of the economically active population are protected, in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all resident widows and resident children whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67. Provided that a prescribed benefit shall be guaranteed without a means test to the wives and children of breadwinners in the prescribed classes of persons determined in accordance with sub paragraphs a or b of Article 61, subject to qualifying conditions not more stringent than those specified in paragraph 1 of Article 63.

#### **Article 23. C128**

The survivors' benefit shall be a periodical payment calculated as follows:

- (a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;
- (b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.

**SCHEDULE TO PART V OF C128 AND ART. 62 OF PROTOCOL OF THE ECSS. PERIODICAL PAYMENTS TO STANDARD BENEFICIARIES**

<b>Part</b>	<b>Contingency</b>	<b>Standard beneficiary</b>	<b>Percentage</b>
IV. C128	Survivors	Widow with two children	45
X. PROTOCOL OF THE ECSS	Survivors	Widow with two children (or two children if widow's pension conditional on her being incapable of self-support)	45

cf. Article 26, Title IV of C128

(C) The standard beneficiary is a widow with two children, while the late breadwinner was a male manual employee with previous wages NOK 512 400, pension points equal to 3.67 based on the average B.a. in 2022, NOK 109 784.

Based on the comments from the Committee of Ministers in 2017, we have calculated the benefit for the standard beneficiary with an actual insurance period of 5 years and an actual insurance period of 15 years.

Reference is, however, made to our remarks concerning Disability Benefit. We would like to emphasise that the examples are incorrect with regard to what the beneficiary would actually be entitled to, as we are asked not to include future years of insurance when calculating the supplement. The actual pension amounts (both as regards the pension for the surviving spouse and the children's pension) would, due to the provisions of the Norwegian National Insurance Act, which states that future years of insurance should be included in the calculation, be much higher (typically identical for the beneficiary with an actual insurance period of 5 years and the beneficiary with an actual insurance period of 15 years) and well above the level required by the schedule to Part V of C128 and Article 62 of the Protocol of the ECSS.

The calculation is based on the average B.a. of 2022 (NOK 109 784) in order to fulfil the requirements of paragraph 4 of Article 65 of the Code, concerning calculation "on the same time basis".

For comparison purposes, we have also calculated the benefits for the standard beneficiary with an insurance period of 40 years. Due to the provisions of the Norwegian National Insurance Act, which states that future years of insurance should be included in the calculation, this would be the typical pension amount for survivors of persons with previous wages equal to a pension point figure of 33.67 (2021: NOK 512 400).

*Insurance period of 5 years*

NOK 109 784 x 5

(D) Basic pension 40 = NOK 13 723

Supplementary pension

$\frac{\text{NOK } 109\,784 \times 3.67 \times 5 \times 42}{40 \times 100} \times \frac{55}{100}$  = NOK 11 634

Special supplement<sup>23</sup> = NOK 2 089

Amount of benefit granted a year = NOK 27 446

(E) Family benefit payable under employment  
Total child benefit for one child aged 0-5 and one child aged 6-17 = NOK 32 760

(F) Child benefit – single parent with one child aged 0-5 and one child aged 6-17 = NOK 45 408

Children's pension

$\frac{\text{NOK } 109\,784 \times 65 \times 5}{100 \times 40}$  = NOK 8 920

Total family benefit during contingency = NOK 54 328

(G) Sum of benefits payable under contingency (D+F) as a percentage of the sum of standard wages and family benefit payable under employment (C+E):

$$(D+F) / (C+E) = (27\,446 + 54\,328) / (512\,400 + 32\,760) = 0.15: \underline{15.0\%}$$

*Insurance period of 15 years*

(D) Basic pension  $\frac{\text{NOK } 109\,784 \times 15}{40}$  = NOK 41 169

Supplementary pension

$\frac{\text{NOK } 109\,784 \times 3.67 \times 15 \times 42}{40 \times 100} \times \frac{55}{100}$  = NOK 34 902

Special Supplement<sup>24</sup> = NOK 6 267

<sup>23</sup> As the amount of the supplementary pension in this case is lower than the level of special supplement which a person with an insurance period of 5 years would be entitled to (5/40 of NOK 109 784 = NOK 13 723), a differential amount is granted, topping up the benefit to the aforementioned level.

<sup>24</sup> As the amount of the supplementary pension in this case is lower than the level of special supplement which a person with an insurance period of 15 years would be entitled to (15/40 of NOK 109 784 = NOK 41 169), a differential amount is granted, topping up the benefit to the aforementioned level.

Amount of benefit granted a year = NOK 82 338

(E) Family benefit payable under employment  
Child benefit for one child aged 0-5 and one child aged 6-17 = NOK 32 760

(F) Child benefit – single parent with one child aged 0-5  
and one child aged 6-17 = NOK 45 408

Children's pension

$\frac{\text{NOK } 109\,784 \times 65 \times 15}{100 \times 40}$  = NOK 26 760

Total family benefit during contingency = NOK 72 168

(G) Sum of benefits payable under contingency (D+F) as a percentage of the sum of standard wages and family benefit payable under employment (C+E):

$$(D+F) / (C+E) = (82\,338 + 72\,168) / (512\,400 + 32\,760) = 0.285: 28.5 \%$$

*Insurance period of 40 years*

(D) Basic pension  $\frac{\text{NOK } 109\,784 \times 40}{40}$  = NOK 109 784

Supplementary pension

$\frac{\text{NOK } 109\,784 \times 3.67 \times 40 \times 42}{40 \times 100} \times \frac{55}{100}$  = NOK 93 072

Special supplement<sup>25</sup> = NOK 16 712

Amount of benefit granted a year = NOK 219 568

(E) Family benefit payable under employment  
Child benefit for one child aged 0-5 and one child aged 6-17 = NOK 32 760

(F) Child benefit – single parent with one child aged 0-5  
and one child aged 6-17 = NOK 45 408

Children's pension

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<sup>25</sup> As the amount of the supplementary pension in this case is lower than the level of special supplement which a person with an insurance period of 40 years would be entitled to (40/40 of NOK 109 784 = NOK 109 784), a differential amount is granted, topping up the benefit to the aforementioned level.

$$\frac{\text{NOK } 109\,784 \times 65 \times 40}{100 \times 40} = \text{NOK } 71\,360$$

Total family benefit during contingency = NOK 116 768

(G) Sum of benefits payable under contingency (D+F) as a percentage of the sum of standard wages and family benefit payable under employment (C+E):

$$(D+F) / (C+E) = (219\,568 + 116\,768) / (512\,400 + 32\,760) = 0.617: \underline{61.7\%}$$

### **Benefits to Surviving Spouse**

A full survivors' pension consists of a basic pension equal to the B.a., and 55 per cent of the supplementary pension which the deceased received, or would have been entitled to, as totally disabled. If the deceased was 67 years or older, pension earning up to the time of death is included, but not longer than the 75th year for persons born in or after 1943, or longer than the 69th year for persons born in 1942 or before.

If the deceased, due to the length of the insurance period, would have got or had a reduced basic pension, the survivor's basic pension is reduced proportionally.

Survivors who have no, or only a small, supplementary pension, are entitled to a special supplement of 1 B.a. from the National Insurance Scheme. The special supplement is reduced proportionally in the case of a shorter insurance period than 40 years. The amount of any supplementary pension is deducted from the special supplement.

The survivors' pension is subject to an income test. If the surviving spouse etc. in fact has, or may be expected to get, an annual income exceeding 50 per cent of the B.a. (NOK 59 310), the pension will be equal to the difference between a full pension and 40 per cent of the exceeding income. A surviving spouse etc. under the age of 55 is expected to have an annual earned income of at least 2 B.a. (NOK 237 240). For a survivor under the age of 55 without earned income, the pension will be reduced by minimum NOK 71 172, unless the person concerned have a reasonable cause for not having any income. Survivors who are not employed at the time of death, are allowed a reasonable transitional period.

A transitional benefit may be granted to a surviving spouse etc. who is not entitled to a survivors' pension. The transitional benefit is determined according to the same rules as a survivors' pension.

### **Children's Pension**

If one parent is dead, the full annual children's pension for the first child equals 40 per cent of the B.a. (NOK 47 448), and to each subsequent child 25 per cent of the B.a. (NOK 29 655).

If both parents are dead, the first child receives a children's pension equal to the survivors' pension which would have been paid to the parent who was entitled to the



highest pension. The full children's pension for the second child equals 40 per cent of the B.a., and 25 per cent of the B.a. for each subsequent child.

When there are two or more children, the pensions are added together and divided equally among the children.

Children's pension assessed as a percentage of the B.a. is granted at proportionally reduced rate in accordance with the reduction a possible basic pension to a surviving spouse is subjected to due to uncompleted insurance periods. A period of 40 years is required in order to be entitled to the full pension. However, if the parent died as a result of an occupational injury, the Children's pension is granted at the full level, irrespective of the length of the insurance period.

As is shown in connection with the calculations above, the actual pension amounts (both as regards the pension for the surviving spouse and the children's pension) would, due to the provisions of the Norwegian National Insurance Act, which states that future years of insurance should be included in the calculation, be much higher (typically identical for the beneficiary with an actual insurance period of 5 years and the beneficiary with an actual insurance period of 15 years) and well above the level required by the schedule to Part V of C128 and Article 62 of the Protocol of the ECSS.

As is also shown above, the Norwegian Survivors' Pension does have a guaranteed minimum level, irrespective of the deceased person's occupational activity or previous income. However, an insurance period of 40 years will normally be required in order to be entitled to the guaranteed minimum level.

In accordance with paragraph 1 of Article 60 of the ECSS, the benefit covers loss as a result of the death of the breadwinner. However, the benefit may in accordance with national laws and regulations be made conditional on the survivor (widow or widower) being presumed to be incapable of self-supported.

Paragraph 2 of Article 60 states that a reduction or suspension of the benefit may be made, if the income exceeds a prescribed amount.

According to Norwegian legislation, in cases where the survivor has attained the age of 55, there is no assessment of his/her capability for being self-supported. Only his/her actual income is taken into account. However, if the survivor is under the age of 55, such an assessment is made. In other words, for these survivors the benefit may be reduced, based on their capability for being self-supported, reflected in an actual or expected income.

The *entitlement* to the Norwegian survivors' benefit is not dependent on whether the survivor is incapable on being self-supported, which, however, could have been a legal exemption as pointed out in paragraph 1 of Article 60. The benefit is only *reduced*, which is a more generous solution than what is allowed by the Code.

As far as we can see, there is no conflict between Norwegian legislation and Norway's international obligations in this matter.

*Survivors' benefit. Part IV of Convention No. 128, Article 23. Calculation of benefit.* The Committee asks the Government to recalculate benefit for a standard beneficiary taking into account the following indications:

(a) Future period of insurance. The Committee notes that the method of calculation of the survivors' benefit follows that of the invalidity benefit and takes into account, in addition to the actual insurance period completed by the late breadwinner before death, future expected periods of insurance (residency) and earning of pension points until the deceased breadwinner's 67th birthday. Consequently, the report gives examples of calculations based on the total qualifying period of 37 or 40 years, including the actual insurance period of 15 years, for the calculation of the standard benefit, and 27 and 32 years, including an actual insurance period of five years, for the calculation of the reduced benefit. The Committee observes that these examples do not follow the method of calculation prescribed by the Convention, inasmuch as the replacement rate of the survivors' benefit (basic pension, supplementary pension, children's pension) is calculated on the basis of the insurance period being much longer than the maximum qualifying period stipulated in Article 24 of the Convention for calculating the standard benefit under its paragraph 1 and the reduced benefit under paragraph 2. The replacement level of the survivors' benefit recalculated by the Committee for the standard beneficiary with only 15 years of actual insurance period will fall much below the level of 45 per cent of the skilled workers' wage required by Convention No. 128. The Committee notes in this respect that apparently, unlike the disability benefit, there is no guaranteed minimum level of the survivors' benefit in Norway.

(b) Income test. According to The Norwegian Social Insurance Scheme, January 2015 (p. 10), the survivors' pension is subject to an income test. If the surviving spouse has, or may be expected to get, an annual income exceeding 50 per cent of the B.a., the pension will be equal to the difference between a full pension and 40 per cent of the exceeding income. A surviving spouse under the age of 55 is expected to have an annual earned income of 2 B.a. (NOK 237 240). For a survivor without earned income, the pension will be reduced by NOK 85 406, unless the person concerned has a reasonable cause for not having any income. Survivors who are not employed at the time of death, are allowed a reasonable transitional period. The Committee recalls in this respect that Norway applies Part X (Survivors' benefit) of the ECSS to the wives and children of employees who shall be entitled, in accordance with Article 62 of the ECSS, as amended by the Protocol, to a prescribed benefit guaranteed without a means test or income test. However, Article 60(2) of the ECSS and Article 31 of Convention No. 128 permit to reduce the benefit, if contributory, where the earnings of the beneficiary exceed a Committee of Experts on the Application of Conventions and Recommendations Social security C102/C128/C130/C168 Norway prescribed amount, and, if non-contributory, where his earnings or other means or the two taken together exceed a prescribed

amount. There are no provisions in the Convention or the ECSS which allow the reduction of the benefit in the case where the survivor is expected to have an annual earned income but actually has none.

***As the design of the survivors' benefit in Norway appears to be rather peculiar, the Committee asks the Government to explain to what extent the Norwegian survivors' benefit scheme complies with or makes use of these provisions of the Convention and which impact they have on the calculation of the replacement rate of the survivors' benefit for the standard beneficiary.***

Response from Norway:

As a part of the Norwegian pension reform, the benefits to survivors under the Norwegian National Insurance Scheme have been examined. 2 February 2017, a report on the matter was delivered by an Expert Committee. The Committee suggests modifications of the survivors' benefits for survivors under the age of 67. It is suggested that the current scheme should be replaced by a time limited benefit, given during an adjustment period, and with the requirement that the survivor is working, applying for work or undergoing education. The Committee furthermore suggests to phase out the special provisions which today may give survivors favourable Old-Age Benefit and Invalidity Benefit. The main proposals were adopted by the Norwegian Parliament, but has not yet been put into force, and it is uncertain when this will happen.

## X - 5. Adjustment of benefits

*See V - 5. Adjustment of benefits*

cf. Article 29

Reference is made to Article 10 of C128.

Period under review	Cost-of-living index <1>	Earnings <2>	Standard benefit <3>
A) Beginning of period: 2021	118.9	488 520	320 241
B) End of period: 2022	125.9	512 400	336 336
C) Percentage A/B	94.4	95.3	95.2

<1> 2015 = 100 (Cost-of-living index. Source: Statistics Norway).

<2> Gross annual wage - reference is made to subparagraph 6a of Article 65 of the Code.

<3> Earnings and insurance period of 40 years. The benefit comprises: basic pension, supplementary pension, children's pension and the additional child benefit, based on the average Basic amount for the respective year.

See under Part V-5.

## X - 6. Qualifying period

### **§1(i) Article 1 ECSS, C128**

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

### **Article 63. ECSS**

1. The benefit specified in Article 62 shall, in a contingency covered, be secured at least:
  - (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
  - (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
  - (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
  - (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that part for the standard beneficiary concerned is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.
5. In order that a childless widow presumed to be incapable of self-support may be entitled to a survivor's benefit, a minimum duration of the marriage may be required.

### **Article 24. C128**

1. The benefit specified in Article 23 shall, in a contingency covered, be secured at least:
  - (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or ten years of residence: Provided that, for a benefit payable to a widow, the completion of a prescribed qualifying period of residence by such widow may be required instead; or
  - (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number or the yearly number of contributions has been paid.
2. Where the survivors' benefit is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
  - (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
  - (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half of the yearly average number or of the yearly number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected whose

*breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.*

*4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution, employment or residence but is less than 15 years of contribution or employment or ten years of residence; if such qualifying period is one of contribution or employment, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.*

*5. The requirements of paragraphs 1 and 2 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of contribution or employment which shall not be more than five years at a prescribed minimum age and may rise with advancing age to not more than a prescribed maximum number of years.*

### **Benefits to Surviving Spouse**

It is a requirement that the deceased was insured under the Norwegian National Insurance Scheme for at least three years immediately prior to the death, or was drawing a pension for a period of at least five years immediately prior to the death (without being insured under the Norwegian National Insurance Scheme).

It is furthermore required that the surviving spouse (or cohabitant who previously has been married to or has children with the deceased) is insured under the Norwegian National Insurance Scheme. As a general rule, all persons legally residing in Norway, are mandatorily insured. Residence or work abroad are the only situations in which the compulsory insurance will be terminated. This is in compliance with the Code, cf. subparagraph (a) of Article 68. See also Article 69 subparagraph (a) of C102 and Article 32 subparagraph 1 (a) of C128, which allows for suspension of the benefit as long as the person is absent from the territory of Norway.

Furthermore, the requirement that the survivor shall be insured for the granting of survivor's pension is waived if either the survivor or the deceased were resident in the Realm for at least 20 years between the ages of 16 and 66.

### **Children's Pension**

It is a requirement that the deceased was insured under the Norwegian National Insurance Scheme for five years immediately prior to the death, or was drawing a pension for a period of at least five years immediately prior to the death (without being insured under the Norwegian National Insurance Scheme).

As stated in Part XII of this report, all persons who reside in Norway<sup>26</sup>, are mandatorily insured under the National Insurance Scheme. This applies to all groups, including widows, widowers and orphaned children.

As the Norwegian National Insurance Scheme is residence based, the typical reason why a person is insured under the Norwegian National Insurance Scheme is that he/she is resident in Norway. However, one will also be compulsorily insured under the Norwegian National Insurance Scheme while working in Norway and residing abroad. A reduced

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<sup>26</sup> Exceptions apply for diplomatic agents and other posted workers, cf. Part XII.

survivors' benefit would therefore indeed be payable to a standard beneficiary whose late breadwinner could justify five years of contribution or employment, but not residence in Norway. As regards the calculation in such a situation, reference is made to the example given under point X – 4 Level and Calculation of Benefit.

*Article 24(1) (a). Length of qualifying period.* According to The Norwegian Social Insurance Scheme, January 2015, a surviving spouse under 67, who has not started drawing on old-age pension and who is not entitled to a disability pension, is entitled to pension benefits if she herself is insured with entitlement to pension benefits and the deceased was insured. If the deceased had earned a supplementary pension, the surviving spouse is not required to be insured to be granted a corresponding basic pension. The condition that the survivor shall be insured for the granting of a basic pension is also waived if either the survivor or the deceased has been a resident in Norway for at least 20 years. The Committee points out that the benefit under Part IV of the Convention is not conditioned upon the surviving wives and children being insured in their own right but is derived from the insurance rights of their deceased breadwinner accumulated after 15 years of contribution or employment, or ten years of residence. The Convention admits however that, for a benefit payable to a widow, the alternative condition may consist in the completion of a prescribed qualifying period of residence by such widow herself. If such condition is imposed by the national legislation, the Committee considers that the length of the qualifying period to be completed by the widow cannot be longer than the qualifying period prescribed for the breadwinner. Consequently, in order to comply with the Convention and the ECSS, the condition that the survivor shall be insured for the granting of a basic pension should be waived if the widow or her deceased breadwinner has been a resident in the country for at least ten years. ***Please explain to what extent the above conditions of entitlement to the survivors' benefit in the Norwegian legislation may be brought in line with the requirements of the Convention.***

Norway's response:

Reference is made to the above statement. We emphasize that the surviving spouse is entitled to the benefit if he/she is insured under the Norwegian National Insurance Scheme and the length of the qualifying period for the survivor is not longer than the qualifying period prescribed for the spouse.

*Article 24(2) (a). Reduced benefit.* The Committee notes that the calculation of the reduced benefit is made "in the case of a standard beneficiary whose breadwinner has completed a period of 5 years of residence and 5 years of earning pension points". It points out that under Article 24(2)(a) of Convention No. 128 and Article 63(2) (a) of the ECSS, a reduced survivors' benefit shall be secured after the late breadwinner has completed five years of contribution or employment without any qualifying period of residence. ***Please indicate whether a reduced survivors' benefit would be payable to***

***a standard beneficiary whose late breadwinner can prove five years of contribution or employment but no residence in Norway.***

Norway's response:

If the deceased had earned a supplementary pension, the surviving spouse is not required to be insured. In these cases, a corresponding basic pension is also granted. In order to earn supplementary pension the deceased must have earned income over the B.a. for three years.

## **X - 7. Minimum duration of Benefit**

### **Article 64. ECSS**

*The benefit specified in Articles 62 and 63 shall be granted throughout the contingency.*

### **Article 25. C128**

*The benefit specified in Articles 23 and 24 shall be granted throughout the contingency.*

The survivors' benefits of the Norwegian National Insurance Scheme are granted throughout the contingency.

The surviving spouse will at age 67 be transferred to old-age pension. In conformity with Article 33 of Convention No. 128, the surviving spouse will receive in total at least the amount of the most favourable benefit. This is done by giving the surviving spouse the highest amount of (A) his/her personally acquired supplementary pension, or (B) 55 per cent of the aggregated supplementary pension of both the survivor and the deceased.

*Article 25 (duration of benefit) in conjunction with Article 33(1) (coordination of benefits).* According to The Norwegian Social Insurance Scheme, January 2015, a surviving spouse will, at age 67, be transferred to old-age pension, and receive his/her personally acquired supplementary pension, or 55 per cent of the aggregated supplementary pension of both the survivor and the deceased, if this is more favourable. The Committee recalls that under the Convention, unlike the invalidity benefit which can be replaced by an old-age benefit, the survivors' benefit shall be granted throughout the contingency and cannot be limited by a prescribed age. In case the surviving spouse becomes entitled to an old-age benefit, which is another social security benefit provide for under Convention No. 128, she shall receive in total at least the amount of the most favourable benefit. ***Please explain how the rules for the coordination between social security benefits prescribed by Article 33 of the Convention, are observed in this case.***

Norway's response:

The old-age pension is calculated in the same way as a survivor's pension, and the transition to a retirement pension will therefore not reduce the benefit.

## **X - 8. Suspension of Benefit**

**Reference is made to Part XIII-1 of this report.**

Reference is made to ECSS Article 68 (j): The payment of survivors' benefits will be stopped if the survivor (widow or widower) remarries. The payment is also stopped if the survivor is cohabiting with a person he/she has (or have had) children with or a person he/she has previously been married to.

## **X - 9. Right of complaint and appeal**

**Reference is made to Part V-9 and Part XIII-2.**

### **Article 34. C128**

- 1. Every claimant shall have a right of appeal in the case of refusal of benefit or complaint as to its quality or quantity.*
- 2. Procedures shall be prescribed which permit the claimant to be represented or assisted, where appropriate, by a qualified person of his choice or by a delegate of an organization representative of persons protected.*

## **X - 10. Financing and Administration**

**Reference is made to the information provided under Part XIII-3.**

### **Taxation of Social Security Benefits**

For recipients of survivors' pension, a tax limitation provision ensures lower or no taxes for pensioners with low income and low wealth. As a result of this provision, income approximately equal to the level of the minimum pension is exempted from tax. Income in excess of this amount, including a wealth addition, is taxed at a rate of 55 per cent.

Examples:

Pension is equal to minimum level + 1 NOK:

Tax will amount to just 0.55 NOK

Pension is equal to minimum level + 2 NOK:

Tax will amount to just 1.10 NOK

etc.

When the pension reaches a sufficiently high level, the ordinary tax provisions will result in a lower tax level than the tax limitation provisions.



The survivors will be taxed according to the provisions which result in the lowest tax level.

## Part XI. Standards to be complied with by periodical payments

### **Article 65. C102 and ECSS, Article 26. C128, Article 22. C130.**

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.
2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.
3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.
4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.
5. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.
6. For the purpose of this Article, a skilled manual male employee shall be:
  - (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or
  - (b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or
  - (c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent. of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or
  - (d) a person whose earnings are equal to 125 per cent. of the average earnings of all the persons protected.
7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used.
8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.
9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.
10. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

Part	Contingency	Standard Beneficiary	Percentage
III	Sickness	Man with wife and two children	45
IV	Unemployment	Man with wife and two children	45
V	Old age	Man with wife of pensionable age	40
VI	<u>Employment injury:</u>		

	Incapacity of work	Man with wife and two children	50
	Invalidity	Man with wife and two children	50
	Survivors	Widow with two children	40
VIII	Maternity	Woman	45
IX	Invalidity	Man with wife and two children	40
X	Survivors	Widow with two children	40

Recourse is had to Article 65 of the Code, Article 65 of C102 and Article 26 of C128 (subparagraph 6a in all three Articles), as regards the previous earnings of the skilled manual male employee ("a fitter or turner in the manufacture of machinery other than electrical machinery"). In 2020, the average annual pay for male full-time employees in this category was NOK 468 600.

**Article 13 - Right to social and medical assistance. The European Social Charter.**

**Paragraph 1 - Adequate assistance for every person in need**

**Level of benefits**

Regarding the level of social assistance during the reference period, Norway provide the following information:

The general objective of the Norwegian Social Assistance Scheme is to secure the subsistence of persons who do not have sufficient economic means to cover basic needs through work or by filing economic claims:

- Non-contributory scheme
- Subjective right, with discretionary elements
- Differential amounts
- No minimum level
- Complementary, provisional support
- Municipalities are legally obliged to provide social financial assistance. The claimant is guaranteed entitlement to the benefit if he or she satisfies the conditions laid down by law.

Social financial assistance is means-tested against all types of income and income support (salary from work, pensions, benefits and allowances). Children's own income from work is not included, as long as they are in school/education. From 1 September 2022 child benefit is also not included.

The law does not provide for a fixed amount of the minimum level of benefit, but provides that the benefit has to be set at a level which secures the claimant "a dignified life" or a "decent minimum". Government guidelines exist in this respect, defining the expenses for which support should be given and the reasonable monthly amounts for subsistence allowance, which stood at NOK 6 850 as of 1 January 2023 for a single

person. The level of benefits recommended in the guidelines is adjusted annually to reflect the increase in the cost of living.

Government guidelines on reasonable monthly amounts for subsistence allowance include only part of daily life expenses. Housing allowance, electricity and housing insurance, as well as healthcare and other individual expenses, are also taken into consideration when determining the amount of the financial assistance. The disbursement basis is therefore broader, and the general benefit level higher, than the guidelines on reasonable monthly amounts for subsistence allowance imply. The total average monthly amount of benefit for a typical all-year recipient of social assistance in 2021 was NOK 11 183 for a single man and NOK 10 582 for a single woman. These figures are the closest approximation to total monthly benefit payments that are statistically available, as all-year recipients of social assistance can be assumed to be largely dependent on social assistance alone.

The amounts are only given as an indication. In fact each situation is assessed separately, in order to adapt to the need of the individual, both on a regular basis or to cover exceptional additional costs in special circumstances (moving home, short-term loss of income, necessary upgrading of home equipment, etc).

As the social financial assistance is a last resort benefit, for most beneficiaries the specific benefit amount given are means-tested and reduced with other income and income support (this has been taken into account as regards the average benefit amounts presented above for all-year recipients).

For the same reason, the average monthly amounts of social financial benefit presented above are not directly comparable to income poverty thresholds, as these include all types of benefit and income sources.

A minority of the recipients (36 per cent in 2021) rely on social financial assistance as their main source of income. For the majority, social financial assistance is a supplementary top-up benefit.

In Norway, a number of public services, such as day-care, school, health and care services, are either free of charge or have a small user fee. This ensures the access to basic services and improves the situation for social assistance recipients and other low-income groups.

Financial assistance is not subject to taxation.

Government guidelines are annually adjusted in accordance with the rise in consumer prices. Social financial assistance is administered by the local Labour and Welfare Service. The guidelines on reasonable monthly amounts are not binding and the municipalities have the right and duty to examine each case individually. Evaluation is made on the basis of a written application and accompanying documentation. The office of the county governor is appeal body.

The Qualification Programme is a two-year long, fulltime programme with the objective to include more persons who are (or in risk of becoming) recipients of long-term financial assistance in work-oriented activities, while securing a minimum income for the applicants. Applicants must have severely diminished capacity for work, and the programme must be considered as necessary and relevant for a successful (re)employment of the applicant. Benefits from the National Insurance Scheme and benefits relating to earlier employment must have been exhausted. Participants are required to accept an offer of adequate employment at any time. Participants yearly receive a Qualification benefit equal to 2 B.a., i.e. NOK 237 240 (2/3 of this amount, i.e. NOK 158 160, for persons under the age of 25 years). In addition, a child supplement of NOK 35 is granted for each dependent child. The supplement is paid for five days a week. The participants may, in addition to the Qualification benefit, receive social financial assistance. The benefit is subject to taxation.

## Part XII. Equality of treatment of non-national residents

### *§1(b) Article 1 C102, §1(e) Article 1 ECSS, §1(d) Article 1 C128 and C130*

*The term residence means ordinary residence in the territory of the Member and the term resident means a person ordinarily resident in the territory of the Member.*

### **Article 68. C102**

*1. Non-national residents shall have the same rights as national residents: Provided that special rules concerning non-nationals and nationals born outside the territory of the Member may be prescribed in respect of benefits or portions of benefits which are payable wholly or mainly out of public funds and in respect of transitional schemes.*

*2. Under contributory social security schemes which protect employees, the persons protected who are nationals of another Member which has accepted the obligations of the relevant Part of the Convention shall have, under that Part, the same rights as nationals of the Member concerned: Provided that the application of this paragraph may be made subject to the existence of a bilateral or multilateral agreement providing for reciprocity.*

### **Article 32. C130**

*Each Member shall, within its territory, assure to non-nationals who normally reside or work there equality of treatment with its own nationals as regards the right to the benefits provided for in this Convention.*

In Norway, the term "resident" is defined differently for different legal purposes. For instance, the same definition does not apply for the purposes of the national registry, for tax purposes and for the purposes of the Norwegian National Insurance Scheme.

The explanations given below are limited to how the term "resident" is defined in the Norwegian National Insurance Act.

In the National Insurance Act (folketrygdloven) of 28 February 1997, Section 2-1 (which has not been amended since the adoption) reads as follows:

#### ***"2-1. Persons resident in Norway***

*Persons resident in Norway are compulsorily insured under the National Insurance Scheme.*

*A person staying in Norway is regarded as resident in Norway if the stay is meant to last, or have lasted, at least 12 months. A person moving to Norway is regarded as resident from the date of entry.*

*It is a requirement for insurance under the National Insurance Scheme that the person in question has a legal right to stay in Norway.*

*In case of temporary absence from Norway, not meant to last more than 12 months, the person in question is still regarded as resident here. This, however, do not apply if the person in question is going to stay, or have stayed, abroad for more than six months a year for two or more consecutive years."*

As may be seen from paragraph 2, the central question is the length of the stay. A temporary stay in Norway, defined as a stay of less than 12 months, will not result in a status as resident for social insurance purposes. However, if the person concerned states that he/she is intending to stay in Norway for 12 months or more, provided that he/she may legally do so (cf. paragraph 3), he/she will be "... regarded as resident from the date of entry ..." and thus compulsorily insured under the National Insurance Scheme.

If the person initially intended to stay in Norway for a shorter period than 12 months, but nevertheless stays for 12 months or more, he/she will also be "... regarded as resident from the date of entry ..." and thus insured under the National Insurance Scheme.

There is of course no requirement concerning nationality, cf. the neutral reference to "[p]ersons resident in Norway". Non-national residents have the same rights and obligations under the Norwegian National Insurance Scheme as national residents.

If the person concerned stays abroad for more than 12 months, or for more than six months a year for two or more consecutive years, he/she will no longer be regarded as resident in Norway, cf. paragraph 4. However, if the person concerned takes up paid work abroad, the compulsory insurance under the National Insurance Scheme will terminate immediately, cf. Section 2-14 of the National Insurance Act.

A person who does not meet the requirements for resident status, will be compulsorily insured under the Norwegian National Insurance Scheme if he/she is legally working in Norway or on permanent or movable installations on the Norwegian Continental Shelf. Such insurance applies from the first day of employment.

Persons staying on Svalbard (Spitsbergen), Jan Mayen, and the Antarctic and Sub-Antarctic dependencies (Bouvet Island, Peter I Island and Queen Maud Land) will also be compulsorily insured under the Norwegian National Insurance Scheme, provided that they are employed by a Norwegian employer or were insured under the National Insurance Scheme prior to their stay in these areas.

Citizens from EEA countries working on Norwegian ships, except hotel and restaurant staff on cruise ships registered in the Norwegian International Ship's Register, are compulsorily insured. Foreign (not EEA) citizens not resident in Norway or any other Nordic country, who are employed on ships in foreign trade, registered in the regular Norwegian Ship's Register, are compulsory insured only with regard to entitlement to occupational injury benefits and funeral grants. Persons of the same category, but employed on ships in the Norwegian International Ship's Register, are not compulsorily insured for any contingency.

Foreign citizens who are the paid employees of a foreign state or an international organisation are excluded from compulsory insurance under the National Insurance Scheme. Under specified conditions the same applies to persons with a short-term employment in the Realm and persons exclusively in receipt of pensions from abroad etc.

Persons who according to the abovementioned provisions are not insured, but are either staying in Norway or are staying outside of Norway and have been insured in Norway for at least three of the last five calendar years, and have close connections with the

Norwegian society, may apply for voluntary insurance under the National Insurance Scheme.

Norway has ratified bilateral social security agreements with the following countries: Austria, Australia, Bosnia & Herzegovina, Canada, Chile, Croatia, France, Greece, Hungary (Medical Care), India, Israel, Italy, Luxembourg, Montenegro, the Netherlands, Portugal, Serbia, Slovenia, Switzerland, Turkey, the United Kingdom and the United States of America. An understanding with Quebec has also been concluded.

Moreover, there is a social security convention between the Nordic countries.

1 January 1994 the EEA Agreement entered into force. It applies for the EU countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden), and three of the EFTA countries (Iceland, Liechtenstein and Norway).

These agreements may extend or limit the provisions otherwise in force.

We believe that the provisions of the Norwegian National Insurance Act concerning equality of treatment of non-national residents are fully in compliance with the relevant Articles of ILO C102, C128 and C130, as well as ECSS.



## Part XIII. Common provisions

### XIII – 1. Suspension of benefit

#### **Article 69. C102, Article 68. ECSS**

*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed:*

- (a) as long as the person concerned is absent from the territory of the Member;*
- (b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
- (c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
- (d) where the person concerned has made a fraudulent claim;*
- (e) where the contingency has been caused by a criminal offence committed by the person concerned;*
- (f) where the contingency has been caused by the wilful misconduct of the person concerned;*
- (g) in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;*
- (h) in the case of unemployment benefit, where the person concerned has failed to make use of the employment services placed at his disposal;*
- (i) in the case of unemployment benefit, where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily without just cause; and*
- (j) in the case of survivors' benefit, as long as the widow is living with a man as his wife.*

#### **Article 31. C128**

- 1. The payment of invalidity, old-age or survivors' benefit may be suspended, under prescribed conditions, where the beneficiary is engaged in gainful activity.*
- 2. A contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary exceed a prescribed amount; the reduction in benefit shall not exceed the earnings.*
- 3. A non-contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.*

#### **Article 32. C128**

- 1. A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to IV of this Convention may be suspended to such extent as may be prescribed:*
  - (a) as long as the person concerned is absent from the territory of the Member, except, under prescribed conditions, in the case of a contributory benefit;*
  - (b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;*
  - (c) where the person concerned has made a fraudulent claim;*
  - (d) where the contingency has been caused by a criminal offence committed by the person concerned;*
  - (e) where the contingency has been wilfully caused by the serious misconduct of the person concerned;*
  - (f) in appropriate cases, where the person concerned, without good reason, neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries; and*
  - (g) in the case of survivors' benefit for a widow, as long as she is living with a man as his wife.*
- 2. In the case and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.*

#### **Article 33. C128**

- 1. If a person protected is or would otherwise be eligible simultaneously for more than one of the benefits provided for in this Convention, these benefits may be reduced under prescribed conditions and within prescribed limits; the person protected shall receive in total at least the amount of the most favourable benefit.*

2. If a person protected is or would otherwise be eligible for a benefit provided for in this Convention and is in receipt of another social security cash benefit for the same contingency, other than a family benefit, the benefit under this Convention may be reduced or suspended under prescribed conditions and within prescribed limits, subject to the part of the benefit which is reduced or suspended not exceeding the other benefit.

**Article 28. C130**

1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed:

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;
- (c) where the person concerned has made a fraudulent claim;
- (d) where the contingency has been caused by a criminal offence committed by the person concerned;
- (e) where the contingency has been caused by the serious and wilful misconduct of the person concerned;
- (f) where the person concerned, without good cause, neglects to make use of the medical care or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;

**Article 20. C168**

The benefit to which a protected person would have been entitled in the cases of full or partial unemployment or suspension of earnings due to a temporary suspension of work without any break in the employment relationship may be refused, withdrawn, suspended or reduced to the extent prescribed-

- (a) for as long as the person concerned is absent from the territory of the Member;
- (b) when it has been determined by the competent authority that the person concerned had deliberately contributed to his or her own dismissal;
- (c) when it has been determined by the competent authority that the person concerned has left employment voluntarily without just cause;
- (d) during the period of a labour dispute, when the person concerned has stopped work to take part in a labour dispute or when he or she is prevented from working as a direct result of a stoppage of work due to this labour dispute;
- (e) when the person concerned has attempted to obtain or has obtained benefits fraudulently;
- (f) when the person concerned has failed without just cause to use the facilities available for placement, vocational guidance, training, retraining or redeployment in suitable work;
- (g) as long as the person concerned is in receipt of another income maintenance benefit provided for in the legislation of the Member concerned, except a family benefit, provided that the part of the benefit which is suspended does not exceed that other benefit.

**Article 21. C168**

1. The benefit to which a protected person would have been entitled in the case of full unemployment may be refused, withdrawn, suspended or reduced, to the extent prescribed, when the person concerned refuses to accept suitable employment.

2. In assessing the suitability of employment, account shall be taken, in particular, under prescribed conditions and to an appropriate extent, of the age of unemployed persons, their length of service in their former occupation, their acquired experience, the length of their period of unemployment, the labour market situation, the impact of the employment in question on their personal and family situation and whether the employment is vacant as a direct result of a stoppage of work due to an on-going labour dispute.

**General response from Norway:**

Regarding suspension of benefits, reference is made to the relevant paragraphs of Parts II to X of this report.

**"as long as the person concerned is absent from the territory of the Member"**

Reference is made to Part XII, concerning the personal scope of the Norwegian National Insurance Scheme. (As a general rule, all persons who are legally resident in Norway will be compulsorily insured under the Scheme.) Persons falling outside of the personal scope,

will no longer be compulsorily insured under the National Insurance Scheme. Termination of insurance does, however, not automatically lead to suspension of all benefits. This varies from benefit to benefit.

Sickness benefit, Child benefit and Unemployment benefit will normally not be paid to a person who is absent from the territory of Norway, irrespective of whether the person in question remains insured under the Norwegian National Insurance Scheme.

Medical care and maternity benefit are paid abroad as long as the person concerned is still insured under the Norwegian National Insurance Scheme.

Old-age benefit, Invalidity benefit and Survivors' benefit may under specified conditions be paid abroad. This applies not only to the contributory components of the benefits. For details, reference is made to Parts V, IX and X.

As stated above, Norway has established bilateral social security agreements with Austria, Australia, Bosnia & Herzegovina, Canada, Chile, Croatia, France, Greece, Hungary (Medical Care), India, Israel, Italy, Luxembourg, Montenegro, the Netherlands, Portugal, Serbia, Slovenia, Switzerland, Turkey, the United Kingdom and the United States of America. An understanding with Quebec has also been concluded.

Moreover, there is a social security convention between the Nordic countries.

1 January 1994 the EEA Agreement entered into force. It applies for the EU countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden), and three of the EFTA countries (Iceland, Liechtenstein and Norway).

These agreements may extend or limit the provisions otherwise in force.

"as long as the person concerned is maintained at public expense or at the expense of a social security institution or service"

A pensioner who is maintained at public expense at a psychiatric institution, will have 86 per cent of his/her pension suspended from the fourth month following the month in which he/she was institutionalised. However, if the pensioner is supporting a spouse or children under the age of 18, the pension will not be suspended.

When pensioners are residing in municipal nursing homes, the municipalities may charge a fee of up to 75 per cent of the annual pension amount (and other income), which exceeds NOK 9 400. Of income in excess of 1 B.a. (NOK 118 620), the municipality may charge up to 85 per cent. The fee is, however, reduced if the pensioner has a spouse who still lives at home, or children under the age of 18.

Old-age pension is not suspended during a stay in a somatic hospital.

A pensioner who is serving a prison sentence, will have his pension suspended from the second month following the month in which the imprisonment started. However, if the pensioner supports children under the age of 18, 50 per cent of the pension will be paid out.

"where the person concerned has made a fraudulent claim"

If a reassessment of the case shows that the person concerned does not meet the requirements for entitlement to the benefit, the benefit will of course be terminated, irrespective of whether the incorrect information was given intentionally ("a fraudulent claim") or by mistake. This will not affect any future claim for the same benefit, if the person concerned should meet the requirements at a later stage.

However, in the case of unemployment benefit, if a person provides incorrect information, which he/she knows, or should know, may affect the entitlement to the benefit, the benefit may be temporarily suspended for 18 weeks. In the case of reoccurrence, the temporary suspension will last for 26 weeks. Cf. Part IV-13 Suspension of Benefit.

"as long as the person concerned is being indemnified for the contingency by a third party to the extent of the indemnity", "where the contingency has been caused by the wilful misconduct of the person concerned" or "where the contingency has been caused by a criminal offence committed by the person concerned"

The Norwegian National Insurance Act contains no provisions concerning the suspension of benefits in such cases.

"where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries"

Paragraph 2 of Section 21-8 of the National Insurance Act states that a benefit may be suspended if the recipient's actions may aggravate his or her health condition or prolong his or her incapacity to work. In order to suspend the benefit in accordance with this provision, the recipient should be aware that his or her actions may have such consequences. The benefit may also be suspended if the recipient without just cause refuses to make use of medical treatment or rehabilitation services placed at his or her disposal.

"in the case of unemployment benefit, where the person concerned has failed to make use of the employment services placed at his disposal" or "in the case of unemployment benefit, where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily without just cause" or "refuses to accept suitable employment"

If a person without reasonable ground is considered to be unemployed by his or her own choice, i.e. if he or she has given notice voluntarily, refused to take a suitable job or refused

to participate in labour market measures, the unemployment benefit may be temporarily suspended for 18 weeks. In the case of reoccurrence, the temporary suspension will last for 26 weeks.

The unemployment benefit may be refused or withdrawn during the period of a trade dispute, if the person concerned has stopped work to take part in a trade dispute or when he or she is prevented from working as a direct result of a stoppage of work due to this trade dispute.

Cf. Part IV-13 Suspension of Benefit.

"in the case of survivors' benefit, as long as the widow is living with a man as his wife"

The payment of survivors' benefits will be stopped if the survivor (widow or widower) remarries. The payment is also stopped if the survivor is cohabiting with a person he/she has (or have had) children with or a person he/she has previously been married to.

"the payment of invalidity, old-age or survivors' benefit may be suspended, under prescribed conditions, where the beneficiary is engaged in gainful activity"

The old-age pension of the Norwegian National Insurance Scheme may be drawn fully or partially. The drawing alternatives are 20, 40, 50, 60, 80 and 100 per cent. Work and pension may be combined, without deductions being made in the pension. If one continues to work, additional pension entitlement is earned, up to and including the year in which one attains the age of 75, even if one has already started drawing the pension.

The survivors' pension is income tested. If the surviving spouse etc. has an annual income exceeding 50 per cent of the Basic amount, the pension will be equal to the difference between a full pension and 40 per cent of the exceeding income.

A surviving spouse etc. under the age of 55 is expected to have an annual earned income of at least 2 B.a. (NOK 237 240). For a survivor without earned income, the pension will be reduced by NOK 71 172 unless the person concerned have a reasonable cause for not having any income. Survivors who are not employed at the time of death, are allowed a reasonable transitional period.

As regards disability benefit, reference is made to information provided under Part IX-9.

#### Additional information

When the disability benefit is awarded, a limit for additional income is determined. The limit equals the insured person's expected income after disability (if less than full), plus 0.4 B.a. If the person has a pensionable income above this limit, the benefit will be reduced proportionally. However, the degree is not redetermined.

As stated above, Norway has established bilateral social security agreements with

Austria, Australia, Bosnia & Herzegovina, Canada, Chile, Croatia, France, Greece, Hungary (Medical Care), India, Israel, Italy, Luxembourg, Montenegro, the Netherlands, Portugal, Serbia, Slovenia, Switzerland, Turkey, the United Kingdom and the United States of America. An understanding with Quebec has also been concluded.

Moreover, there is a social security convention between the Nordic countries.

1 January 1994 the EEA Agreement entered into force. It applies for the EU countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden), and three of the EFTA countries (Iceland, Liechtenstein and Norway).

These agreements may extend or limit the provisions otherwise in force.

## **XIII – 2. Right of complaint and appeal**

### **Article 70. C102, Article 69. ECSS**

1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.
2. Where in the application of this Convention (Code) a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.
3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.

### **Article 34. C128**

1. Every claimant shall have a right of appeal in the case of refusal of benefit or complaint as to its quality or quantity.
2. Procedures shall be prescribed which permit the claimant to be represented or assisted, where appropriate, by a qualified person of his choice or by a delegate of an organization representative of persons protected.

### **Article 29. C130**

1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.
2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

### **Article 27. C168**

1. In the event of refusal, withdrawal, suspension or reduction of benefit or dispute as to its amount, claimants shall have the right to present a complaint to the body administering the benefit scheme and to appeal thereafter to an independent body. They shall be informed in writing of the procedures available, which shall be simple and rapid.
2. The appeal procedure shall enable the claimant, in accordance with national law and practice, to be represented or assisted by a qualified person of the claimant's choice or by a delegate of a representative workers' organisation or by a delegate of an organisation representative of protected persons.

Free and convenient access to relevant legal and factual information is necessary in order to assess one's position and in order to determine whether one may qualify for a certain benefit and, if the benefit is refused or not granted with the expected amount, in order to determine whether to lodge a complaint or appeal.

The access to and use of Internet resources is widespread in Norway. According to data published by the World Bank, 99 per cent of the Norwegian population were Internet users in 2021.

([https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=US&name\\_desc=false](https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=US&name_desc=false)).

All Norwegian legislation is available, free of charge, at the Lovdata website: <http://www.lovdata.no>.

The legislation pertaining to social insurance and accompanying administrative guidelines, as well as the relevant international social security coordination instruments (including bilateral social security agreements) ratified by Norway, may also be found at the Norwegian Labour and Welfare Administration's website: <http://www.nav.no>. At this site, persons insured under the Norwegian National Insurance Scheme may also log in and find information concerning their pending and on-going social insurance cases, calculate their future pension, fill out forms and submit them electronically to the Norwegian Labour and Welfare Administration, etc. They may also lodge their complaints and appeals electronically.

In addition, anyone (persons insured under the National Insurance Scheme and others) are entitled to free information and advice when they contact the offices of the Labour and Welfare Administration. This right is enshrined in Section 15 of the Labour and Welfare Administration Act of 16 June 2006 and Section 11 of the Public Administration Act of 10 February 1967.

According to Section 18 of the Public Administration Act of 10 February 1967, the claimants are generally entitled to familiarise themselves with all the documents in their files. They will in practice be given free copies of the documents upon request.

When the Norwegian Labour and Welfare Administration informs a claimant of a decision, information concerning the right to appeal is automatically enclosed.

If the person concerned lodges an appeal, the matter will initially be re-evaluated by the office which made the original decision. If they do not find any reason to change their decision, they will forward the matter to the Labour and Welfare Administration's internal Appeals Offices. If the Appeals Offices also uphold the decision, the person concerned will be informed that the matter may be appealed further, to the National Insurance Court of Appeal, which is a separate body, independent of the Labour and

Welfare Administration, cf. the National Insurance Court of Appeal Act of 16 December 1966 (<https://lovdata.no/dokument/NL/lov/1966-12-16-9>).

The decisions of the National Insurance Court of Appeal may be brought before the ordinary courts of justice.

All appeals up to and including appeals to the National Insurance Court of Appeal, are free of charge.

If the appeal results in a change in the original decision, to the benefit of the person concerned, expenses for necessary legal assistance will be covered by the Labour and Welfare Administration. Irrespective of the outcome of the appeal, means tested free legal aid may be granted.

According to Section 12 of the Public Administration Act of 10 February 1967, a claimant has the right to be represented or assisted by an attorney or any other representative (e.g. family member, friend, trade union representative) at any stage of an appeal process. However, the appeal process within the Labour and Welfare Administration and in the National Insurance Court of Appeal is, as a general rule, solely based on examination of documents, with no oral argument procedure. The attorney or other representative will therefore normally only assist the claimant in preparing and submitting the appeal documents. The person concerned may also demand the assistance of the Labour and Welfare Administration in this respect. An appeal may be lodged orally to a civil servant of the Labour and Welfare Administration, who will then draw up a written appeal.

Prompt rendition of justice is crucial. The National Insurance Court of Appeal handles more than 4,100 cases per year (2022), with an average processing time of 13.8 months.

In addition to the possibility of lodging appeals concerning decisions made by the Labour and Welfare Administration, one may also complain about the service one has received. If a claimant feels that he or she has not received the necessary information or assistance, that the processing of the case has taken too long etc., a formal complaint may be lodged with *NAV Serviceklage*, which is a specialised agency within the Norwegian Labour and Welfare Administration.

Furthermore, complaints may be lodged with the Parliamentary Ombudsman ("*Sivilombudet*"). The Parliamentary Ombudsman supervises public administration agencies. Supervision is carried out on the basis of complaints from citizens concerning any perceived maladministration or injustice on the part of a public agency. The Parliamentary Ombudsman processes complaints that apply to central government, county or municipal administrations. The Ombudsman may also address issues on his own initiative. Making a complaint to the Ombudsman is free of charge. Further information may be found on the following website:

<https://www.sivilombudet.no/>



### **XIII – 3. Financing and Administration**

#### **Article 71. C102, Article 70. ECSS**

1. The cost of the benefits provided in compliance with this Convention (Code) and the cost of the administration of such benefits shall be borne collectively by way of insurance contributions or taxation or both in a manner which avoids hardship to persons of small means and takes into account the economic situation of the Member (Contracting Party) and of the classes of persons protected.
2. The total of the insurance contributions borne by the employees protected shall not exceed 50 per cent of the total of the financial resources allocated to the protection of employees and their wives and children. For the purpose of ascertaining whether this condition is fulfilled, all the benefits provided by the Member (Contracting Party) in compliance with this Convention (Code), except family benefit and, if provided by a special branch, employment injury benefit, may be taken together.
3. The Member (Contracting Party) shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention (Code), and shall take all measures required for this purpose; it shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question.

#### **Article 30. C128**

National legislation shall provide for the maintenance of rights in course of acquisition in respect of contributory invalidity, old-age and survivors' benefits under prescribed conditions.

#### **Article 35. C128**

1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

#### **Article 36. C128**

Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.

#### **Article 30. C130**

1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.
2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

#### **Article 31. C130**

Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature:

- (a) representatives of the persons protected shall participate in the management under prescribed conditions;
- (b) national legislation shall, where appropriate, provide for the participation of representatives of employers;
- (c) national legislation may likewise decide as to the participation of representatives of the public authorities.

#### **Article 28. C168**

Each Member shall assume general responsibility for the sound administration of the institutions and services entrusted with the application of the Convention.

#### **Article 29. C168**

1. When the administration is directly entrusted to a government department responsible to Parliament, representatives of the protected persons and of the employers shall be associated in the administration in an advisory capacity, under prescribed conditions.

2. When the administration is not entrusted to a government department responsible to Parliament-  
(a) representatives of the protected persons shall participate in the administration or be associated therewith in an advisory capacity under prescribed conditions;  
(b) national laws or regulations may also provide for the participation of employers' representatives;  
(c) the laws or regulations may further provide for the participation of representatives of the public authorities.

The main general social insurance schemes in Norway are the National Insurance Scheme, the Child Benefit Scheme and the Scheme for Cash Benefit for Families with Small Children.

There is also a means-tested Supplementary Allowance Scheme, which is not part of the National Insurance Scheme. The Supplementary Allowance is not a social insurance benefit. The purpose of the scheme is to guarantee a minimum income for persons who have attained the age of 67 and who do not have sufficient old-age pension or other economic means.

#### **THE NATIONAL INSURANCE SCHEME'S BENEFITS**

Persons insured under the National Insurance Scheme are entitled to old-age pension, survivors' pension, disability benefit, basic benefit and attendance benefit in case of disablement, technical aids etc., work assessment allowance, occupational injury benefits, benefits to single parents, cash benefits in case of sickness, maternity, adoption and unemployment, medical benefits in case of sickness and maternity and funeral grant.

Many benefits from the National Insurance Scheme are determined in relation to a basic amount (B.a.). This amount is annually adjusted by the King with effect from 1 May, in accordance with the increase in wages. In 2023, the average B.a. is NOK 116 239 and the B.a. per 1 May 2023 is NOK 118 620.

#### **FINANCING OF THE NATIONAL INSURANCE SCHEME**

The National Insurance Scheme is financed by contributions from employees, self-employed persons and other members, employers' contributions and contributions from the state. Contribution rates and state grants are decided by the Parliament.

The following benefits are financed by contributions from the state only: Lump sum grants in case of maternity and adoption, grants to improve the functional ability of daily life, basic benefit, attendance benefit, guaranteed supplementary pension for persons disabled at birth or early in life, educational benefits, child care benefits, transitional benefits for survivors and single, divorced and separated supporters, benefits for surviving family nurses, means-tested funeral grants and advance payments of maintenance payment for children that exceed the reimbursement from the person liable. Contributions from employees and self-employed persons are calculated on the basis of pensionable income. Contributions are not paid on pensionable income which does not exceed NOK 69 650. The contributions shall not exceed 25 per cent of income exceeding this threshold amount.

Contributions are also paid on the basis of received cash benefits in the case of sickness, maternity and unemployment, work assessment allowance and benefits to single parents.

In 2023, the contribution rate for employees is 7.9 per cent of the pensionable income (gross wage income). The contribution rate for a self-employed person is 11.1 per cent of the pensionable income (income from self-employment). The contribution rate for other kinds of personal income (pensions etc.) is 5.1 per cent.

The employers' contribution is assessed as a percentage of paid out wages. The employers' contributions are differentiated according to where the enterprises are established. There are regional zones based on the geographical situation and level of economic development. The employers' contribution rates in these zones vary from 0.0 per cent to 14.1 per cent.

#### **THE CHILD BENEFIT SCHEME AND THE SCHEME FOR CASH BENEFIT FOR FAMILIES WITH SMALL CHILDREN**

The child benefit and the cash benefit for families with small children are financed over the State Budget (i.e. from taxes).

#### **THE SUPPLEMENTARY ALLOWANCE SCHEME**

Supplementary allowance is granted according to an act of 29 April 2005. As a main rule, the National Insurance Scheme covers all residents of Norway. In order to be eligible for an old-age pension equal to the minimum pension level (guaranteed pension) based solely on residence, one must have resided in Norway for 40 years before the age of 67.

Those who have lived in Norway for a shorter period may not qualify for a pension that is adequate to live on. Persons who have attained the age of 67, who resides in Norway and who do not have sufficient pension or other 33 financial means due to the fact that they have less than 40 years of residence in Norway, are guaranteed a minimum income from the supplementary allowance scheme.

The maximum amount of the allowance for this group is as per 1 January 2023 NOK 209 568 per year for single recipients and recipients with spouse or cohabitant under 67 years of age. For each of the spouses/cohabitants when they both have reached the age of 67 years, and for a recipient who is sharing residence with his or her adult children or other adults, even when the relationship between them is not defined as similar to marriage (shared household), the maximum amount is NOK 193 860. With effect from 1 January 2021, the scheme has been extended to include disabled refugees who, due to their short period of residence in Norway, are not entitled to the minimum annual disability benefit.

In order for a disabled refugee to be included in the supplementary allowance scheme, it is required that the person in question has had his or her claim for disability benefit processed and that it has been concluded that the National Insurance Act's conditions for entitlement to disability benefit have been met, with the exception of the requirement concerning prior insurance periods. As of 1 January 2023, the maximum amount of the allowance for this group is NOK 276 468 per year for single recipients, and recipients with

a spouse under 67 years of age, who is not a disabled refugee. For all others, the maximum amount of the allowance is NOK 254 172.

The allowance is subject to a strict means test and is reduced if the person or his/her spouse or cohabitant has other income from work or capital assets or Norwegian or foreign pensions or disability benefits. The allowance is not granted if the applicant has capital assets in excess of 0.5 B.a. (NOK 59 310).

The recipient cannot stay abroad for more than 90 days per 12 month period without losing his/her entitlement to the benefit.

The allowance is supplementary in relation to the ordinary pension and disability benefits of the general National Insurance Scheme. This excludes persons who are receiving benefits from National Insurance Scheme equal to the level of the minimum old-age pension or the minimum annual disability benefit, or higher.

#### **TAXATION OF SOCIAL SECURITY BENEFITS**

Benefits from the National Insurance Scheme are taxable income, and is as a main rule taxed according to the same provisions as income from work, except for the lump-sum grants and the benefits in kind. However, special tax provisions ensure that pensioners and recipients of some other benefits are paying less tax than wage earners. These provisions ensure that a number of the minimum benefits of the National Insurance Scheme are exempted from income tax. On the other hand, the so-called minimum deduction is slightly lower for pensions than for income from work.

For persons receiving survivors' pension, as well as for single parents receiving transitional benefits, a tax limitation provision ensures lower or no taxes for persons with low income and low wealth. As a result of this provision, income approximately equal to the level of the minimum pension is exempted from tax. Income in excess of this amount, including a wealth addition, is taxed at a rate of 55 per cent, so that the advantage is scaled down until it becomes more beneficial to be taxed according to the ordinary provisions on taxation of pensioners.

Old-age pensioners are entitled to a special tax deduction. This deduction ensures that pensioners with only a minimum pension are not liable to pay tax. The effect of the deduction is gradually reduced for pensioners with higher pensions. The supplement for pensioners supporting a spouse is tax free.

The disability benefit and the work assessment allowance are taxed as income from work. In addition to the special tax provisions, old-age pensioners and recipients of survivors' benefits are liable to pay a lower National Insurance contribution than employees etc. Child benefits and cash benefits for families with small children are not taxable income. The children's pension is not taxable until the year after the child attains the age of 17 years.

Pensioners who have moved abroad are taxed according to Norwegian legislation concerning taxation at source. The tax rate is set to 15 per cent. Some of the bilateral treaties for the avoidance of double taxation and the prevention of fiscal evasion, which Norway has established with other countries, stipulate that pensions may only be taxed in the country of residence. In such cases, the pensioner will not be liable to pay taxes according to the Norwegian provisions concerning taxation at source.

**Article 72. C102, Article 71. ECSS**

*1. Where the administration is not entrusted [to an institution regulated by the public authorities or – C102] to a Government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide as to the participation of representatives of employers and of the public authorities.*

*2. The Member (Contracting Party) shall accept general responsibility for the proper administration of the institutions and services concerned in the application of the Convention (Code).*

**ACTUARIAL STUDIES AND CALCULATIONS CONCERNING THE FINANCIAL EQUILIBRIUM**

Actuarial studies and calculations concerning the financial equilibrium of the Norwegian National Insurance Scheme are not carried out on a periodical basis. This is due to the fact that the National Insurance Scheme never was intended to be fully self-financed. The difference between what is paid out from the Scheme in the form of pensions and other benefits, and what is paid into the Scheme in the form of contributions from the insured and the employers, is covered by the State grant.

Reference is made to of Article 71 of C102 and Article 70 of ECSS, which state that the Member (Contracting Party) "... shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question." (Reference is in particular made to the underscored parts of this provision.)