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EUROPEAN SOCIAL CHARTER

17th National Report on the implementation of the
European Social Charter
submitted by

THE GOVERNMENT OF NORWAY

Articles 1, 10, 15, 20 (or Article 1 of the Additional Protocol)

and 24 for the period 01/01/2015 – 31/12/2018

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CYCLE 2019

NORWAY'S 17TH NATIONAL REPORT 2019 ON THE IMPLEMENTATION OF THE EUROPEAN SOCIAL CHARTER

The report includes replies to the conclusions of non-conformity as well as replies to the questions raised and information about changes since the last report on Articles 1, 10, 15, 20 (or Article 1 of the Additional Protocol) and 24.

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Article 1

Article 1, section 1

1) Please provide details of labour market policy measures specifically designed to support specific groups or communities, such as: young people who have not yet entered the labour market, persons in geographical areas and communities with distinct levels of underemployment (quality) or unemployment (quantity) or experiencing severe or chronic unemployment as well as migrants and refugees; Please include statistical information on the overall impact of employment policy during the reference period: economic growth indicators, unemployment rates broken down by gender, age and duration, public expenditure on passive and active labour market measures as a share of GDP, number of participants in active measures (training), activation rate (participants/unemployed ratio).

General information

Government measures and instruments are generally universal, but can be adapted to individual and local needs. In addition to government measures and instruments, the local authorities establish a wide range of local measures and instruments for vulnerable groups such as immigrants and young people. This report covers the policy instruments of the central government.

State labour market schemes

The purpose of government labour market schemes is to improve the capacity of job seekers to work, and their ability to find or remain in work. The schemes can be used to clarify a person's capacity for work, increase their chances of transitioning to work, or to find meaningful work for people who have difficulty finding work with ordinary wage and employment terms. Measures under the labour market schemes must be awarded based on each person's need for assistance with work.

The main groups of labour market schemes are:

Assessment – to map and assess a person's capacity for work and any specific need for assistance in order to find or remain in work. Assessment is bought as an external service when the needs evaluation performed by the Norwegian Labour and Welfare Administration (NAV) is inadequate.

Follow-up – can be offered to people who require more extensive employment services and follow-up than NAV is able to offer. Follow-up services may include charting and supervision of the participants in the scheme, employers and the organiser of the scheme, follow-up at the workplace, subsidies for mentors, training in work-related and social skills, and adaptation and facilitation of tasks and the workplace situation.

Work training – to test the person's opportunities on the labour market, give them relevant work experience, and help increase their opportunities to find work. Participants in the scheme undergo adapted training in ordinary working life. People with a reduced capacity for work who require work training in a sheltered and adapted working environment before work training or training in ordinary working life may be offered employment preparation training.

Training – to help job seekers qualify for job vacancies. The training can be provided in the form of short courses, often leading to formal competence in the form of official course certificates etc. The training may consist of trade and vocational training at upper secondary school level, higher vocational education or be offered as higher education.

Occupational rehabilitation – to cope with health-related and social problems that may prevent participation in working life. Inclusion subsidies provide compensation for additional costs incurred by employers in connection with adapting a workplace for people who require work-related assistance from NAV.

Temporary/time-limited wage subsidy – may be provided to employers in order to help give people permanent contracts in ordinary enterprises, and prevent exclusion of people who are at risk of dropping out of the labour force.

Permanent wage subsidy – to help people with a permanent and significant reduced capacity for work to find or retain ordinary employment, and help stop people from transitioning to disability benefit.

Work and education travel – a benefit that helps people with mobility impairments due to disability hold down an ordinary job or complete work-related education. The grant can be given to people in ordinary work or who complete work-related education in order to obtain or retain such work.

Functional assistance – a grant for economically active people with comprehensive physical disabilities. The scheme means that a paid assistant helps with practical matters in the work situation.

Permanent adapted work – organised at pre-approved businesses or ordinary businesses for people who receive disability pension or are expected to receive it in the near future, and who need special adaptation and close monitoring. The scheme has no time limit.

The direction and scope of the different labour market schemes is constantly assessed and adapted to the needs of the labour market. A number of changes were made to the schemes in 2016 in order to increase the use of ordinary working life as an arena for schemes, and to simplify the system in order to increase use of the different schemes. Changes were also made to the training measures offered by NAV during the period.

In the period 2015–2018, the following changes were among those made to the rules regarding government labour market schemes:

- A new vocational education scheme was established for a period of up to two years for job seekers with few formal qualifications or poor basic skills. The scheme can also be offered to people with reduced capacity for work who are in the same situation. The education takes the form of individually adapted education, and its purpose is to give participants formal competence in the form of a diploma, for example. The age limit for the scheme is 19. Youths under the age of 19 are expected to take advantage of the right to ordinary upper secondary education.
- In 2016, the one-year labour market education was expanded to include more Norwegian language instruction and training in basic skills.
- In 2016, the age limit for higher education as a labour market scheme for people with reduced capacity for work was reduced from 26 to 22. The duration of the scheme was also reduced to three years, with the option of a one-year extension.

- The wage subsidy scheme was changed, with the objective of increasing uptake of the scheme. The option for a higher wage reimbursement for people with a reduced capacity for work was introduced, and the access to employ people on temporary contracts was expanded during the subsidy period.
- A requirement for closer and better follow-up of participants and employers by NAV was imposed on work experience placements at ordinary workplaces. The duration of the scheme was reduced in order to prevent abuse and increase the effectiveness of the scheme.
- Employment preparation training was established for people who need work training in a sheltered and adapted work environment before participating in ordinary working life. The scheme was a result of the combining and improving two former schemes.

The Inclusion Initiative

Many people outside the labour market have health-related challenges, or they have difficulties due to lack of qualifications. Efforts within the axis of health/work/qualifications are central to the Inclusion Initiative. See the discussion of the Inclusion Initiative under article 15.2.

New youth initiative at NAV

In 2017, a new and intensified youth initiative was introduced under the auspices of NAV. The initiative was first implemented in the counties in Southern and Western Norway that suffered the most during the financial crisis, and then throughout the rest of the country during the course of the year. The youth initiative entails young adults being offered individually adapted and closer work-related follow-up from NAV. The initiative focuses on young people under the age of 30 who, after eight weeks of unemployment, are not in work, education or other suitable activity organised by NAV or collaborating partners.

An evaluation by Fafo of the implementation of the intensified youth initiative (Fafo report 2020:19) shows that young adults are prioritised and quickly followed up by NAV. Ninety-three per cent receive help within eight weeks. According to the report, the youth initiative has had a positive effect on the likelihood of young unemployed adults returning to formal education.

Initiative for immigrants

The government's strategy "Integration through knowledge" was presented in the autumn of 2018. The strategy includes measures that promote participation and opportunities to attend school, complete an education, and employment, and that promote everyday integration and the right to live a free life. One of the main measures in the integration strategy was to reform the introduction programme for new immigrants, and to modernise and improve Norwegian language instruction. This was followed up in the Act relating to Integration through Training, Education and Work (the Integration Act), which will enter into force on 1 January 2021. Integration falls under the purview of the Ministry of Education and Research.

2) Please include statistical information on the overall impact of employment policy during the reference period: economic growth indicators, unemployment rates broken down by gender, age and duration, public expenditure on passive and active labour market measures as a share of GDP, number of participants in active measures (training), activation rate (participants/unemployed ratio).

Following a period of weak growth in the workforce and employment after the decline in oil prices in 2014, the first signs of an upswing in the labour market were seen in 2016, when job vacancies began increasing and demand for labour picked up. The number of employed people then increased in parallel with the growth in the Norwegian economy, see table 1. The upswing was particularly strong in construction, in professional, scientific, and technical services, and in business services.

In the summer of 2017, the tendency in the employment rate reversed from a decline to an increase, and at the end of 2018, employment measured as a share of the population aged 15–74 was about one percentage point higher than when it bottomed in the summer of 2017.

The increase in employment led to a pronounced decline in unemployment. Measured as a share of the workforce, unemployment according to the Labour Force Survey (LFS) was 3.8 per cent as an annual average in 2018. This was down 0.4 percentage points from 2017 and down 0.9 percentage points from 2016. See table 2.

Large regional differences in unemployment arose following the decline in oil prices. During the upswing from 2016, unemployment fell most where it was highest, so that regional differences were less pronounced at the end of 2018.

Table 1: Economic growth indicators.¹

	2015	2016	2017	2018	2019
Mainland GDP	1.4	0.9	2.0	2.2	2.3
Number employed	0.5	0.3	1.2	1.6	1.6

¹Percentage increase compared with previous year

Source: Statistics Norway, National Accounts

Table 2: Unemployment rate by gender and age group.

		2015	2016	2017	2018	2019
Both genders	15–74 years	4.5	4.7	4.2	3.8	3.7
	15–24 years	10.5	11.3	10.8	9.6	9.9
	25–54 years	4.1	4.3	3.7	3.5	3.2
	55–74 years	1.7	1.8	1.7	1.4	1.5
Men	15–74 years	4.8	5.4	4.6	4.1	4.0
	15–24 years	11.5	12.8	12.1	10.5	10.4
	25–54 years	4.4	4.9	4.0	3.7	3.4
	55–74 years	2.0	2.3	2.1	1.5	1.9
Women	15–74 years	4.2	4.0	3.8	3.6	3.4
	15–24 years	9.5	9.8	9.4	8.7	9.5
	25–54 years	3.8	3.5	3.4	3.3	2.9
	55–74 years	1.3	1.3	1.1	1.2	1.0

Source: Statistics Norway, LFS

Table 3: Unemployed by duration, 15–74 years. Percentage of all unemployed.¹

	2015	2016	2017	2018	2019
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Both genders	1–4 weeks	21	19	21	22	23
	5–13 weeks	23	21	21	20	22
	14–26 weeks	18	17	15	16	15
	27–39 weeks	4	5	4	6	7
	40–52 weeks	14	18	15	14	13
	53 weeks or more	11	11	14	13	12
Men	1–4 weeks	18	19	19	21	22
	5–13 weeks	23	19	19	20	22
	14–26 weeks	18	18	16	16	15
	27–39 weeks	4	5	4	5	7
	40–52 weeks	14	18	16	13	13
	53 weeks or more	13	13	15	16	15
Women	1–4 weeks	24	19	22	26	24
	5–13 weeks	24	21	22	19	24
	14–26 weeks	17	15	14	17	15
	27–39 weeks	4	6	4	4	7
	40–52 weeks	13	17	14	15	13
	53 weeks or more	9	10	12	11	11

⁴Including unemployed with unknown duration

Source: Statistics Norway, LFS

Active labour market measures includes all government labour market schemes from NAV. Passive labour market measures includes unemployment benefit and work assessment allowance (see table 4).

Table 4: Public expenditure on passive and active labour market measures as share of GDP.

	Active labour market measures	Unemployment benefit	Work assessment allowance	Total	GDP	Share of GDP
2015	7 715	13 764	34 313	55 792	3 111 168	1.8%
2016	8 243	15 448	34 279	57 970	3 098 148	1.9%
2017	9 028	13 954	31 119	54 101	3 295 382	1.6%
2018	8 605	10 960	32 446	52 011	3 530 860	1.5%

Table 5 includes all participants in labour market measures, both people who are registered as unemployed and people who are registered with a reduced capacity for work.

Table 5: Number of participants in active measures (training).

	Participants in active labour market measures
2015	74 445
2016	78 453
2017	82 871

Table 6: Activation rate (participants/unemployed ratio).

	Job seekers in active labour market measures (monthly mean)	Unemployment (LFS)	Activation rate
2015	12 867	125 000	10%
2016	17 335	131 000	13%
2017	19 475	117 000	17%
2018	16 391	108 000	15%

Article 1, section 1

1) Please provide updated information on legislation prohibiting all forms of discrimination in employment in particular on grounds of gender (if not accepted Article 20/Article 1 AP), race, ethnic origin, sexual orientation, religion, age political opinion, disability (if not accepted Article 15§2), including information on remedies.

Equality and Anti-Discrimination Act

The Equality and Anti-Discrimination Act prohibits direct and indirect discrimination and harassment (including sexual harassment) in all sectors of society, including working life, see sections 6 and 13 of the Act. In working life, the Act prohibits discrimination and harassment on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, beliefs, disability, sexual orientation, gender identity, gender expression or combinations of these grounds. Sections 14, 15 and 16 of the Act also prohibit retaliation, instruction, and participation.

Section 29 of the Equality and Anti-Discrimination Act specifies that the prohibitions apply to all aspects of employment, including announcement of a position, appointment, reassignment and promotion, training and skills development, pay and working conditions, and cessation. The rules apply correspondingly to employers' selection and treatment of self-employed people and contract workers, see section 29 subsection 2.

Section 9 of the Equality and Anti-Discrimination Act regulates when direct or indirect differential treatment are lawful. Direct differential treatment in the context of employment relationships and in connection with the selection and treatment of self-employed people and contract workers on the basis of gender, ethnicity, religion, beliefs, disability, sexual orientation, gender identity or gender expression is only permitted if the characteristic in question is of decisive significance for the performance of the work or has an objective purpose, is necessary to achieve the purpose, and is proportionate, pursuant to section 9 subsection 2. Direct differential treatment on the basis of care responsibilities and indirect differential treatment on the basis of the circumstances mentioned above is lawful if the differential treatment has an objective purpose, is necessary to achieve the purpose, and is proportionate, pursuant to section 9 subsection 1.

Lawful differential treatment on the basis of pregnancy, childbirth or breastfeeding, and leave in connection with childbirth or adoption is specifically regulated in section 10 of the Act. There is a

very narrow scope for such differential treatment. Subsection 3 of the provision specifies that differential treatment is never permitted in connection with recruitment and dismissal. This also applies in connection with extension of a temporary position.

Section 11 of the Equality and Anti-Discrimination Act provides a legal basis for positive differential treatment as long as the measure is intended to promote equality, there is a reasonable relationship between the intended purpose and how far-reaching the differential treatment is for the person/people whose position will worsen, and the differential treatment will cease when its purpose has been achieved.

The Equality and Anti-Discrimination Act also contains a number of provisions that specify the protection against discrimination in an employment relationship.

Sections 22 and 23 of the Equality and Anti-Discrimination Act give the right to suitable individual adaptations for workers and job seekers with disabilities and workers and job seekers who are pregnant.

Section 30 of the Equality and Anti-Discrimination Act prohibits employers from collecting certain information about applicants during the recruitment process, including during interviews. Information that may not be collected is information about pregnancy or plans to have or adopt children, religion or beliefs, ethnicity, disability, sexual orientation, gender identity or gender expression. It follows from subsections 2 and 3 that the collection of information on ethnicity, religion, beliefs, disability and living arrangements is nevertheless permitted if the information is of decisive significance for the performance of the work or the pursuit of the occupation. The collection of information on an applicant's living arrangements, religion or beliefs is permitted if the purpose of the undertaking is to promote particular beliefs or religious views and the worker's position will be important for the achievement of the purpose.

Section 33 of the Equality and Anti-Discrimination Act specifies the rights of workers in connection with parental leave. It follows from the provision that a worker who is or has been on parental leave is entitled to return to the same or a corresponding position, benefit from improvements in working conditions to which the worker would otherwise have been entitled during the period of absence, and make pay claims and, in pay negotiations, be assessed in the same way as the other workers in the undertaking.

Section 34 of the Equality and Anti-Discrimination Act regulates the right to equal pay for women and men.

Section 32 of the Equality and Anti-Discrimination Act gives workers who suspect discrimination in the setting of pay the right to information about the pay level and the criteria for the setting of the pay of the person or people with whom the worker is making a comparison.

Section 31 of the Equality and Anti-Discrimination Act gives job seekers who consider themselves to have been disregarded in breach of this Act the right to demand that the employer provide written information about the person who was appointed. The employer must provide information about education, work experience, and other clearly measurable qualifications.

There is a rule of shared burden of proof in cases regarding discrimination and harassment. This follows from section 37 of the Equality and Anti-Discrimination Act. The rule regarding shared burden of proof does not apply to cases regarding breaches of sections 31 and 32 of the Act.

Working Environment Act chapter 13 and Ship Labour Act chapter 10

A prohibition against direct and indirect discrimination and harassment on the basis of age and political views in an employment relationship does not follow from the Equality and Anti-Discrimination Act, but from chapter 13 of the Working Environment Act and chapter 10 of the Ship Labour Act. A prohibition against direct and indirect discrimination, harassment and instruction is laid down in section 13-1 of the Working Environment Act and section 10-1 of the Ship Labour Act. The legislation also prohibits retaliation. The prohibition against discrimination and harassment applies to all aspects of an employment relationship, and also applies to the decisions of employers and treatment of self-employed people and contract workers.

Section 13-2 of the Working Environment Act and section 10-3 of the Ship Labour Act regulate when direct and indirect differential treatment are lawful (exceptions from the prohibition against discrimination). Differential treatment on the basis of age and indirect differential treatment on the basis of political views are permitted if the differential treatment has an objective purpose, is necessary to achieve the purpose, and is proportionate. Direct differential treatment on the basis of political views is permitted if the differential treatment has an objective purpose, is not a disproportionate intervention against the person or people who experience differential treatment, and is necessary for the performance of the work or the pursuit of the occupation.

Section 13-6 of the Working Environment Act and section 10-5 of the Ship Labour Act provide a legal basis for preferential treatment.

Section 13-4 of the Working Environment Act and section 10-4 of the Ship Labour Act prohibit employers from advertising for new employees or in any other manner requesting applicants to provide information concerning their views on political issues. The prohibition will not apply if obtaining such information is justified by the nature of the post or if the objective of the undertaking in question includes promotion of particular political views and the post is essential for the fulfilment of the objective.

The rule of shared burden of proof applies in cases regarding a breach of the provisions in chapter 13 of the Working Environment Act and chapter 10 of the Ship Labour Act, see section 13-8 of the Working Environment Act and section 10-8 of the Ship Labour Act.

Enforcement and sanctions

Anyone who is treated in contravention of the Equality and Anti-Discrimination Act, chapter 13 of the Working Environment Act or chapter 10 of the Ship Labour Act may claim redress and damages pursuant to section 38 of the Equality and Anti-Discrimination Act, section 13-9 of the Working Environment Act chapter 13 or section 10-9 of the Ship Labour Act. In the context of employment and the employer's selection and treatment of self-employed people and contract workers, the responsibility of the employer will apply regardless of whether the employer can be reproached.

A case regarding a breach of the Equality and Anti-Discrimination Act, chapter 13 of the Working Environment Act or chapter 10 of the Ship Labour Act may be brought before the Equality and Anti-Discrimination Tribunal or the ordinary courts. The Tribunal may make an administrative decision concerning redress in the context of an employment relationship and the employer's selection and treatment of self-employed people and contract workers pursuant to section 12 of the Equality and Anti-Discrimination Ombud Act. The Tribunal also has the competence to make an administrative

decision concerning damages if the only submissions made by the respondent relate to inability to pay or other manifestly untenable objections. Under no circumstances can the Tribunal make administrative decisions relating to the King or the ministries. In these cases, the Tribunal may make a non-binding statement, but the Tribunal cannot impose redress or damages in such cases.

In cases where the Equality and Anti-Discrimination Tribunal has authority to make administrative decisions, the Tribunal may order the stoppage or remediation of an act or other measures necessary to secure the cessation of discrimination, harassment, instructions or retaliation, and to prevent repetition. The Tribunal may set a deadline for compliance with the order, pursuant to section 11 of the Equality and Anti-Discrimination Ombud Act. The Tribunal may make an administrative decision to impose a coercive fine to ensure implementation of an order if the deadline for complying with the order is breached, pursuant to section 13 of the Equality and Anti-Discrimination Ombud Act.

2) Please indicate any specific measures taken to counteract discrimination in employment of migrants and refugees.

The government has presented the 'Action Plan against Racism and Discrimination on the Grounds of Ethnicity and Religion in December (2020–2023)'. Among other things, the action plan follows up a measure in the government platform to counteract discrimination in employment.

The labour market is one of the priority areas in the plan, and there are a total of 12 measures in this specific area. These include Trials with anonymous applications in the State [Ministry of Local Government and Modernisation], Information campaign on how to file complaints about discrimination based on ethnicity and religion, Equal employment certification scheme, and Campaign to combat hate and harassment in the workplace. Several of the measures may counteract discrimination of refugees and migrants in the labour market.

The government has presented the 'Action Plan against Discrimination of and Hatred towards Muslims (2020–2023)'. This contains a measure to procure more knowledge about the discrimination of Muslims in the workplace.

The Directorate of Children, Youth and Family Affairs has developed its own online resource about living conditions and equality for ethnic and religious minority groups.

3) Please indicate what measures have been taken to assess the prevalence of the problem of exploitation of vulnerability, forced labour, modern slavery?

Does legislation exist to deal with the phenomenon of exploitation of vulnerability, forced labour, modern slavery and does it make provision for the identification and protection of victims, enable prosecution of exploiters, or otherwise provide reporting requirements for businesses to detail actions taken to investigate their supply chains for forced labour, due diligence in public procurement to guarantee funds are not inadvertently supporting modern slavery?

Are there regular inspections of sectors such as agriculture, construction, hospitality, manufacturing and domestic work, which are particularly affected by labour exploitation?

In order to improve efforts to combat unscrupulous behaviour and different forms of crime in working life, the government presented a dedicated strategy in 2015 to combat work-related crime. The strategy was devised following a dialogue with the central labour organisations, and was revised in 2017 and 2019. The enclosed 2019 strategy contains 31 measures aimed at preventing and combatting work-related crime, with one of the measures being 'Increased awareness in relation to victims of forced labour and human trafficking'.

A key area in the strategy is procurement. There are several requirements in the Public Procurement Act which are intended to counteract work-related crime in public contracts, and several measures have been implemented in order to increase the competence of clients and to give them information about how to prevent work-related crime in their procurements.

Another key area in the strategy is stronger inter-agency cooperation between the police, the Norwegian Labour Inspection Authority, the Norwegian Tax Administration, and NAV. The agencies direct their focus towards key parties posing a threat, foreign workers, and employers and consumers. The agencies will conduct supervision of industries that involve the greatest risk of work-related crime, such as construction, food service, agriculture, fishing, car care and car repair shops, transport, cleaning, etc.

The strategy to combat work-related crime will be revised in 2021.

Link to the electronic version of the report enclosed:

<https://www.regjeringen.no/en/dokumenter/strategi-mot-arbeidslivskriminalitet-2019/id2628152/>

3) Please provide information on any measures taken to protect workers in the "gig economy" or "platform economy" whose employment is very often precarious, against exploitation.

Please provide an up-dated description of national law concerning valid reasons of dismissal. As regards dismissal for certain economic reasons, please indicate whether the courts have the competence to review a case on the economic facts underlying dismissals.

Please indicate what safeguards exist against retaliatory dismissal and dismissal due to temporary absence from work due to illness or injury (e.g time limit on protection against dismissal, rules applying in case of permanent disability and compensation for termination of employment in such cases).

Please indicate what strategies and measures exist or are being introduced to ensure dismissal protection for workers (labour providers), such as "false self-employed workers" in the "gig economy" or "platform economy". Please outline the obligations on employers/labour engagers in this respect.

Please provide an up-dated description of national law and practice as regards compensation and reinstatement in case of unlawful dismissals.

The general rule in Norwegian working life is permanent and direct employment, generally full time. The use of non-standard working conditions has been stable over time. Recent research shows that a total of 11 per cent of employed people are temporary employees, contract workers or self-employed people without employees. There are nonetheless developments that raise questions about whether the changes in working life entail a shift towards greater use of non-standard forms of labour market attachment and new organisational structures. There may be reason to ask whether the current framework, concepts and schemes will be adaptable and applicable in light of the developments, and whether they encompass the desired groups, also in the working life of the future.

The government has appointed a committee to consider the future of work in order to illuminate relevant issues regarding different forms of employment. The report will also contain a description of the current situation. This report will be submitted to the committee in June 2021, once it has been completed.

The committee will assess the framework for different forms of labour market attachment, and evaluate whether it is sufficiently clear, appropriate, and flexible in relation to the working life of today and tomorrow.

For example, the committee may consider the boundaries between different forms of labour market attachment, and whether the concepts, including the concept of employee, are clear and appropriate, and cover the intended groups. An assessment can also be made of whether the different forms of labour market attachment have the desired consequences in terms of duties and rights for the person who performs the work, and also in relation to the business' need for flexibility. Duties and rights particularly refer to the framework for participation and collaboration, employment protection, and HSE.

The committee will review the framework for employer's liability and organisation of work and enterprises, and consider whether it is sufficiently clear, appropriate, and flexible in relation to the working life of today and tomorrow.

The committee will, among other things, consider how different forms of organisation and business models impact on the duties and responsibilities of employers, and the extent to which the concept of employer in the Working Environment Act is sufficiently clear and appropriate, especially with regard to who has actual control and decision-making authority regarding the employer's undertaking. The committee may further assess whether there is a need to clarify which legal entities have which responsibilities, and which duties should apply in situations where several enterprises are involved in the control/management of the work, for example in a franchise, a corporate group, contract work, etc. An assessment can also be made regarding the extent to which certain duties or responsibilities will or should rest with employers who use the self-employed, freelancers, labour in the sharing economy, etc. will or should have.

We are also enclosing a report that was written by Nordic researchers commissioned by the Nordic Council of Ministers. The report addresses the matter of whether the legal framework is adequate for handling the work of the future. The Nordic labour law systems are based on a binary distinction between employees and self-employed people. The main purpose of labour law is employment contracts, while contracts regarding independent work generally belong to general contract law. The legal concepts of employee and employer are therefore the cornerstones of labour law. If future forms of employment make it difficult to use these concepts, this will increase the binary divide and

destabilise the foundation of labour law. This may impact on the area of application and undermine the effectiveness of legal regulation of the labour market.

We enclose an extract of Official Norwegian Report NOU 2017:4 'The Sharing Economy – Opportunities and Challenges'. Chapter 1.5 is a review of the labour market by the committee.

As we have enclosed reports and made reference to the report that is expected in 2021, it has not been relevant to write a separate report on this point.

Link to electronic versions of the reports enclosed:

<https://pub.norden.org/temanord2020-534/>

https://delingsokonomi.dep.no/files/2015/11/NOU_2017-4_chapter_1.pdf

Article 10

Article 10, section 1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The right to upper secondary education for young people is regulated in section 3-1 of the Education Act. The right is often referred to as 'the right of young people' to upper secondary education. Unlike primary and lower secondary education, where children have both the right and obligation to complete their education, there is no obligation to participate in upper secondary education. Upper secondary education leads to university and college admissions certification, vocational qualifications or basic competence. Basic competence is an umbrella term for all competence that does not constitute full university and college admissions certification or vocational qualifications.

The county authority in which a person resides is responsible for safeguarding their right to upper secondary education. Under the law, young people who have completed primary and lower secondary school or an equivalent education have the right to apply for three years of full-time upper secondary education. There is no requirement to *have passed* primary and lower secondary education. The right to upper secondary education is therefore independent of the knowledge and skills the applicant may have acquired in primary and lower secondary education. Applicants have the right to admission to one of three alternative upper secondary educational programmes (Vg1).

The right to upper secondary education entails a right to three years of full-time upper secondary education, or longer if the curriculum stipulates a longer period of studies. The normal arrangement for vocational education is two years at school and two years at a workplace, where one year at the workplace is considered education, and one year is considered productive work. Most of the Vg3 curricula in the vocational education programmes are based on training at a workplace. However, there is no statutory right to an apprenticeship. If a county authority is unable to secure workplace training for a pupil, the school must also organise this part of the education.

According to the Education Act, certain pupils have the right to additional time to complete upper secondary education. Pupils with the right to special education have the right to a maximum of two years' additional education 'if this is necessary with regard to the pupil's individual educational objectives'.

Pupils have the right to change course once during upper secondary education. They will then be entitled to more time (additional time) to complete their education. The amount of additional time in question will therefore vary, depending on at what point in the course the pupil makes the change, and on the educational programme/programme area. Pupils who have completed and passed trade and vocational training have the right to a one-year supplementary programme which leads to university and college admissions certification if they apply for it. The right applies to pupils who have completed trade and vocational training under the rights of young people and others who have completed and passed it by the end of the year in which they turn 24. The right to a supplementary programme entered into force on 1 August 2014, and only applies to those who completed and passed their education in 2014 or later.

Pupils in primary, lower, and upper secondary education who have a mother tongue other than Norwegian or Sami have the right to adapted instruction in the Norwegian language until they are sufficiently proficient in Norwegian to follow the ordinary lessons of the school. Mother tongue means the language spoken in the pupil's home, either by one or both of the parents in communication with the child. A pupil may therefore have one, two or more mother tongues.

Adapted language instruction must always include adapted instruction in the Norwegian language, which means extra Norwegian instruction. If necessary, adapted language instruction must also include mother tongue instruction and bilingual subject teaching, or both. Mother tongue instruction is instruction in the mother tongue, while bilingual subject teaching means that the pupil receives instruction in one or more subjects in his/her mother tongue and Norwegian. What is 'necessary' only extends up to the point where the pupil is sufficiently proficient in Norwegian to follow ordinary lessons in Norwegian.

Pupils with a right to adapted language instruction have the right to up to an extra two years of upper secondary studies where this is needed for the pupil to achieve their educational objectives.

The right to upper secondary education and training for adults

It follows from section 4A-3 of the Education Act that people who have completed primary and lower secondary education, but who have not completed upper secondary education and training, have the right to take upper secondary education from the age of 25. Those who have completed upper secondary education or training in another country but cannot have this education accredited for university and college admission or as a vocational qualification in Norway also have the right to upper secondary education and training for adults. A condition for the right to upper secondary education and training in Norway is that the adult is a legal resident of the country. Education at public upper secondary schools and training establishments is free. Adults who have the right to upper secondary education and training have the right to an assessment of their formal, informal and non-formal competence and to a certificate of competence.

At present, adults may achieve university and college admission or a vocational qualification in several ways that do not require participation in upper secondary education. Adults may also achieve a vocational qualification without training at school or a workplace through the experience-

based trade certification scheme. The scheme enables adults who can document long and versatile experience in a craft to take a trade or journeyman's examination. Candidates for experience-based trade certification must pass a separate examination before they take the trade or journeyman's examination.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Social contract for more apprenticeships

In the spring of 2016, the largest employer and employee organisations and the Ministry of Education and Research signed an agreement intended to increase the number of apprenticeships. This is a renewal of the contract that was entered into in the spring of 2012.

The primary objective of the social contract is for all qualified applicants to be offered an apprenticeship. The main strategy is to help the county authorities and the social partners to improve the local work of procuring more apprenticeships. It has therefore been important to establish local networks in order to secure good cooperation with a view to recruiting more training establishments.

New structure for the trade and vocational education provision

The trade and vocational education provision in vocational education programmes will be restructured in the autumn of 2020, and the current eight educational programmes will increase to ten. The background for the changes is described in the Report to the Storting (2012–2013) "På rett vei" [On the right path], which addresses challenges associated with interruption of studies, and that far too few of those who begin vocational studies attain a trade or journeyman's certificate.

In the work of developing a new structure for the provision, emphasis has been placed on the need for skills in working life, and that the content of the education must be forward-looking and relevant to pupils and apprentices. At the same time, it is important that the schools and county authorities are able to provide an adequate educational provision to pupils regardless of where they live in the country, and that it must be possible to secure an apprenticeship.

It takes time to develop a new structure for the provision and to give the trade and vocational education new content. The first apprentices to follow the new structure will take their trade or journeyman's examination in 2024. The new provision will be evaluated, but we will not know for some time whether it has had the desired effect.

Apprenticeship grant

A grant is offered to training establishments that sign an apprenticeship contract or training contract with an apprentice or a trainee. The basic grant for 2018 was **NOK 153 053** per apprentice, certificate of practice candidate or trainee for one year of full-time training. In 2018, the grant for adult apprentices (for whom the right of young people does not apply) was **NOK 59 808** per apprentice.

Apprentice clause

Every year the state spends large amounts on products and services, making it a significant market player in relation to private businesses. The Regulations relating to the Obligation to Require Use of Apprentices in Public Contracts entered into force on 1 January 2017. The purpose of the Regulations is to provide an adequate number of apprenticeships for pupils taking vocational education, an adequate number of qualified workers with a trade or journeyman's certificate, and to combat financial crime.

The Regulations are thus an important instrument that enables the public authorities to also increase the number of apprentices in private companies, and they apply to central government, county and municipal authorities and public bodies. Employers' contracts must include the stipulation that suppliers are affiliated with an apprenticeship scheme, and that one or more apprentices participate in the work of fulfilling the contract. The requirement applies to service contracts and contracts for building and construction work.

Requirement of apprentices in the central government sector

There is a requirement in the central government sector that any enterprise with over 100 employees must have at least one apprentice.

Competence enhancement

Teachers' and instructors' competence is critical in order to ensure that pupils and apprentices receive relevant vocational training. Competence enhancement will also result in better follow-up and guidance for training establishments. The Ministry of Education and Research has established the following main strategy:

Vocational teacher promotion

The vocational teacher promotion was launched in 2015 as a skills strategy for vocational teachers and instructors. The objective was to increase recruitment and enhance the competence of vocational teachers, and improve the quality and relevance of the educational programmes for vocational teachers. Good opportunities for qualification improvement were also planned. The vocational teacher promotion contains measures like course material, skills renewal for vocational teachers under the auspices of working life, attending courses as a guest student, grant schemes, and further and continuing education. Information about the vocational teacher promotion can be found here:

<https://www.udir.no/utdanningslopet/videregaende-opplaring/fagopplaring-utproving-og-satsinger/yrkesfaglarerloftet/>

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the total amount of public expenditure devoted to vocational training; the number of vocational and technical training institutions and types of education and training provided; number of teachers and pupils.

There were 415 upper secondary schools in Norway in the 2018–2019 academic year, each of which had an average of 454 pupils. Twenty-three per cent of upper secondary schools were private, and they often had fewer pupils than the public ones.

Figures from Statistics Norway show that there were about 39 600 employees in upper secondary schools in 2019. About 26 700 of these were teachers and about 2 800 were head teachers. Many teachers work both on programmes that prepare students for university and on vocational education programmes. Figures from Statistics Norway show that in 2017, about 9 000 teachers taught programme subjects on vocational education programmes.

In the autumn of 2018, 73 400 pupils began the Vg1 programme in upper secondary school. Almost half of these began a vocational education programme.

There were eight vocational education programmes in 2018:

- Programme for Building and Construction
- Programme for Design, Arts and Crafts
- Programme for Electricity and Electronics
- Programme for Health and Social Care
- Programme for Agriculture, Fishing and Forestry
- Programme for Restaurant and Food Processing
- Programme for Service and Transport
- Programme for Technical and Industrial Production

In 2018, over 29 000 people applied for an apprenticeship. Out of these, 21 700 received an apprenticeship, accounting for 74 per cent of applicants, which is the highest share since records began in 2011.

There were a total of 43 300 apprentices in 2018. This figure includes both new apprentices and those who have been apprentices for over one year. In addition, over 1 800 trainees and 1 100 people received vocational training at school as an alternative to an apprenticeship.

In 2018, 72 per cent of apprentices were boys. The number of apprentices has increased by 19 per cent since 2012, when the social partners and the Ministry of Education and Research signed a contract (the social contract) to work together to secure more apprenticeships.

In 2018, the county authorities spent NOK 29 billion on upper secondary education at schools and NOK 3.6 billion on vocational education and training in the workplace. The costs of vocational education and training in the workplace increased by 6 per cent, as a result of both the increase in apprentices and apprenticeship grants. In addition, the government spent NOK 1.6 billion on grants for independent upper secondary schools. The county authorities spent close to NOK 591 million on a provision that is particularly adapted to adults.

In 2018, the county authorities spent on average NOK 165 100 per pupil in upper secondary education. The figures include the costs of national courses, special education, and the educational and psychological counselling service (PPT). This is just over NOK 44 000 more per pupil than in primary and lower secondary education. Expenses vary considerably between the different educational programmes.

Statistics on adults in upper secondary education

About 500 000 people aged 25 to 60 do not currently have a diploma, trade certificate or journeyman's certificate from upper secondary education. Immigrants now make up a considerably larger share of the population without upper secondary education than in the 1990s. 'Immigrant' is defined here as a person born abroad of two foreign-born parents. While immigrants represented 4 per cent of the adult population without upper secondary education in 1990, this group constituted 29 per cent in 2017.

In 2018–2019, about 16 100 adults attended upper secondary school or an adult education centre, which is an increase of almost 2 200 compared with the previous year. About 10 000 of these attended a vocational education programme. The growth in the number of participants was greatest for health and social care and programmes that prepare students for university, while the percentage increase was greatest for the Programme for Technical and Industrial Production and the Programme for Restaurant and Food Processing. Eighty per cent of the adult participants followed training that is specially organised for adults.

4) Please provide information on measures taken to integrate migrants and refugees in vocational education and training.

The introduction programme for new immigrants aims to provide more formal qualifications for participants who require them, and the draft Act relating to Integration through Training, Education and Work (the Integration Act) therefore gives more people the opportunity to take full-time upper secondary education as part of the introduction programme.

In order for more adult immigrants to receive formal competence, they must receive adapted education. Adult immigrants need different adaptation of trade and vocational education than other adults. The provision should be full-time and include extra language and learning support, and the costs of this will be higher than for other upper secondary education for adults pursuant to section 4A-3 of the Education Act. A grant scheme has therefore been set up to encourage county authorities to establish, continue to develop and execute a provision for adapted trade and vocational training for adult immigrants. The scheme has been in place since January 2020.

Article 10, section 3

Please describe strategies and measures (legal, regulatory and administrative frameworks, funding and practical arrangements) in place to ensure skilling and re-skilling in the full range of competencies (in particular digital literacy, new technologies, human-machine

interaction and new working environments, use and operation of new tools and machines), needed by workers to be competitive in emerging labour markets.

Higher vocational education is mainly based on completion of upper secondary vocational education, but it is at a higher level. The important measures described below for the period 2015–2018 are worth noting.

Report to the Storting 9 (2016–2017) ‘Skilled Workers for the Future – Vocational College Education’ was submitted to the Storting and reviewed in 2017.

The government's vision in the Vocational College Education Report was that vocational college education in the future must be more attractive, have more students, larger academic communities, and that the vocational college sector as a whole should be more visible and its graduates more in demand in the labour market. The government wanted to give priority to boosting the vocational college sector as regards quality, academic communities, student welfare, funding and governance. In addition, the government wanted to prioritise developing the knowledge base for vocational colleges, as there is little knowledge of the individual factors that affect the quality of the education programmes. With this report, the government wanted to facilitate high educational standards, more robust vocational colleges, and closer cooperation between vocational colleges and the social partners, while also laying the foundation for a further boost to the vocational college sector in the future.

Relevant measures in the report that were followed up until 2018:

Specification of the purpose and role of vocational colleges in the Vocational College Education Act

A legislative amendment in 2017 established that vocational colleges should build on, and be one level above upper secondary education. It was also specified that the skills achieved through vocational college education should be adapted to working life in a way that makes the skills directly transferrable to the workplace. This made it explicit that higher vocational education is the relevant education for working life after upper secondary school.

Quality award for vocational colleges from 2018

The purpose of the educational quality award is to reward excellence in educational standards in accredited Norwegian higher vocational education, and to stimulate systematic efforts at institutions and the academic communities to continue developing the quality of their educational programmes.

Development funds for vocational colleges in 2017 and 2018

In 2017 and 2018, the Ministry of Education and Research announced development funds to improve the quality of vocational college education. This was a follow-up to Report to the Storting 9 (2016–2017) ‘Skilled Workers for the Future – Vocational College Education’. The Norwegian Agency for International Cooperation and Quality Enhancement in Higher Education (Diku) has managed this scheme since 2019. It is important that vocational colleges stay abreast of the needs of the labour market and the business sector, so that students receive the skills the country needs for the future. We are now giving vocational colleges the opportunity to apply for funds to improve the quality of their programmes or to establish new programmes that are adapted to the need for skills in the labour market. A key criterion in the announcements has been digitalisation and changes to necessary skills as a result of digitalisation. Examples of criteria:

- digital competence enhancement for employees in order to meet the needs of a changing labour market
- use of digital technology for learning
- development of new programmes in collaboration with local and regional employers

Employer representation on the boards of vocational colleges

In 2018, the Storting's amendments to the Vocational College Education Act provided for both students and regional employers to be represented on the boards of vocational colleges. The purpose of the change was to also increase the formal link between vocational colleges and employers in order to ensure the relevance of the programmes in terms of the need for skills in the labour market.

In relation to the matter of legal measures or schemes, there are no provisions for vocational college programmes in the same way as there are for upper secondary education (right of young people, right of adults, duties, etc.). The government's contribution in this area is described in the first part, through incentives and funds for developing relevant higher vocational education that meets the needs of the labour market.

Article 10, section 4

Please indicate the nature and extent of special retraining and reintegration measures taken to combat long-term unemployment as well as figures demonstrating the impact of such measures (please include detailed statistics on long-term unemployment in your country, if not provided under Article 1§1).

Measures to combat long-term unemployment are part of general labour market policy in Norway, in accordance with the reporting regarding article 1. Norway does not have special measures to fight long-term unemployment. People who have been unemployed for a long time are given priority in labour market measures. In 2019, 14 per cent of all unemployed people participated in labour market measures on average. Twenty per cent of people unemployed for over two years participated in labour market measures.

Unemployment benefit is granted for up to two years. A requirement was added in 2017 for the public employment service to have a follow-up meeting with those who have six months left before their unemployment benefit ends. By the end of June 2020, the employment service had had follow-up meetings with about 40 per cent of this group.

There have been strict rules in Norway governing the type of training unemployed people may receive from the employment service. This has been in order to prevent people who merely need funding for their education to register as unemployed. Over time, however, it has become clear that this regulation has been an obstacle to providing an adequate training provision for unemployed people. The rules regarding training measures were changed on 1 July 2019. The main objective was to shift NAV's training measures towards offering job seekers a vocational qualification that will be in great demand in the labour market in the years ahead.

According to figures from the LFS, there were about 2 000 fewer long-term unemployed (search interval over 26 weeks) in 2018 than in 2015. The share of long-term unemployed was at a fairly stable one-third during the same period, see table 3.

Infection control measures associated with Covid-19 have increased unemployment considerably, and have resulted in a greater need to retrain the workforce. As a temporary arrangement, unemployed people are now allowed to pursue any form of education and keep their unemployment benefit. This arrangement will apply until 1 July 2021. Permanent rules that will apply after 1 July 2021 are currently being assessed.

It is methodologically difficult to know how effective measures are to limit unemployment in general and long-term unemployment in particular. In general, policy has resulted in low unemployment and long-term unemployment, compared with other countries. On the other hand, the employment rate in Norway has dropped in recent years. A public commission with a broad range of members is now therefore assessing measures to increase employment in Norway. As part of this work, a review was written about Norwegian experiences with the effects of labour market measures, etc. on labour supply and employment. Reference is made to this review for a systematic overview of assessments of labour market measures.

Article 15

Article 15, section 1

Please indicate progress in ensuring access to and inclusion of children with disabilities into mainstream facilities. Please indicate trends in this area, including number of children with disabilities included in mainstream facilities, the number attending special schools, the number attending school on a part time basis etc. In addition, please indicate the legislative basis for inclusion and remedies in place in cases of exclusion from education on the basis of disability.

Special Education

Inclusion is the basic principle and goal of the government's education policy and targets for private and public kindergartens, public schools, and private schools that receive state-funded support. This means that children and pupils from different backgrounds and with different needs and abilities come together in the same kindergartens and schools. Diagnosis or disability are not covered in the registry.

It has been a political goal for some time to improve adapted instruction in order to enhance learning outcomes in mainstream education and to make fewer pupils dependent on special needs support.

People of all ages have a legal right to special education, but special education is not compulsory. Parents or guardians must therefore give their written approval before any steps can be taken by the PPT concerning the child's or the pupil's needs.

Pupils who do not benefit sufficiently from the mainstream provision are entitled to special needs support. The entitlement to special needs education is linked to the children's and pupils' benefit from adapted education – not the diagnosis.

Pupils in need of special education are entitled to the same amount of teaching (hours) as other pupils in primary and secondary education. The curriculum, subjects, and hours may be adapted to meet individual needs.

Special education is based on an individual administrative decision. Parents can submit a complaint if they are not satisfied with the special education provided for the pupil. The County Governor is the final body of appeal in decisions concerning individual pupils. If it upholds the parent's view, the municipality must comply with the decision of the County Governor.

The specialist provision must be adapted to the circumstances and abilities of each child. The aim is to identify children with special educational needs as early as possible, and to implement appropriate measures.

All municipalities have a PPT. The service is responsible for providing educational and psychological assistance to children, their parents, teachers, and educational institutions.

Deaf pupils have a right to learn Norwegian sign language as their first language. Norwegian sign language has its own curriculum and framework in relation to basic skills. Visually impaired and blind pupils have the right to necessary education and training in Braille and in use of necessary technical aids. Pupils who receive such education are entitled to additional hours of education. The main principle in relation to the additional hours is ensuring that pupils do not lose their compulsory education.

Special needs provision in compulsory education – Percentage of pupils in primary and lower secondary school who receive special needs support

	2010	2011	2012	2013	2014	2015	2016	2017	2018
Share special needs support	8.4%	8.6%	8.6%	8.3%	8.0%	7.9%	7.8%	7.9%	7.8%

Article 15, section 2

Please provide information on progress made in ensuring persons with disabilities have access to employment on the open labour market, including recent non-discrimination measures and measures to promote employment. Please include figures on the number of persons with disabilities in employment and the number of unemployed. Please provide up-dated information concerning obligations on the employer to take steps in accordance with the requirement of reasonable accommodation to ensure effective access to employment of persons with disabilities.

The National Inclusion Initiative (2018–2021)

In order to increase employment among people with a disability and improve access to the labour market for people with gaps in their CVs, a new government initiative was implemented for the period 2018–2021. The National Inclusion Initiative is a nationwide effort to promote inclusion and get more people into work.

The National Inclusion Initiative entails inter-sectoral cooperation between public and private players. NAV plays an important role in the execution of the National Inclusion Initiative, together with the educational and health authorities. The efforts will help to:

- ease the path into working life and make it easier for employers to hire people from the initiative's target groups using means that give added security to both the employer and the job seeker.
- increase opportunities for training, so that more people earn qualifications for work. This can happen through adapted programmes for vocational education, or through shorter, vocational courses.
- further develop and strengthen the provision for job seekers with mental illness and/or drug/alcohol dependency, so that more of them can work whilst also receiving medical follow-up.

As part of the National Inclusion Initiative, the government has set a target that at least 5 per cent of new government hires must be people with a disability and/or gaps in their CV. State enterprises report results from the work with the National Inclusion Initiative and the 5 per cent target in the annual reports. Target attainment increased in 2019, compared with 2018. In total, for all ministries and underlying enterprises, 2.2 per cent of all new hires were from the target group. Four ministries met the 5 per cent target. In order to facilitate better target attainment, several amendments were implemented in the Regulations relating to State Employees in 2020. The changes mean that at least one qualified applicant with a gap in their CV must be invited to an interview, and that people with gaps in their CV may also apply for positions that are part of the Ministry of Labour and Social Affairs' state trainee programme. They also allow moderate quotas in connection with hiring people with gaps in their CV.

Statistical information Article 15 section 2:

About 17 per cent of the population aged 15–66, corresponding to 600 000 people, reported a disability, according to the LFS for the second quarter of 2018. The employment rate among those who reported a disability was 44 per cent, and it was somewhat higher for men than for women. The rate has been fairly stable for many years, see table 7.

More than 40 per cent of employed people with a disability worked part-time in the second quarter of 2018. Close to one-third also received different benefits, primarily health-related. Both the share of part-time and the share that receive benefits has been declining since 2015.

Table 7: People with a disability by workforce status, aged 15–66. Q2.

		2015	2016	2017	2018	2019
Number	Total	585	636	605	599	627
	Employed	254	282	260	263	274
	Unemployed	15	25	24	18	17
Per cent	Total	16.6	18.0	17.0	16.8	17.4
	Employed	43.4	44.3	43.0	43.9	43.8
	Unemployed	2.5	3.9	3.9	2.9	2.7

Source: Statistics Norway, LFS

Obligations on the employer to take steps in accordance with the requirement of reasonable accommodation to ensure effective access to employment of persons with disabilities:

Employers have an obligation to ensure that work is organised and structured so that employees are not exposed to adverse physical or mental strain, see sections 4-1 and 4-2 of the Working Environment Act.

Employers also have a special obligation to provide individual adaptation for employees with a reduced capacity for work and employees who come to require adaptation during the employment relationship. This is expanded on in section 4-6 of the Working Environment Act.

Article 15, section 3

"Please describe the measures taken (and progress made) to ensure that persons with disabilities have the right to live independently in the community, such as the existence of available independent living schemes, sheltered housing for persons with disabilities, in-home, residential and other community support services, including personal assistance."

Norwegian welfare policy is based on as many people as possible living in their own home, living independent and active lives, and receiving any services they need in their own home. Being able to choose for oneself where and how to live is an important part of the right to self-determination. The general objective of Norwegian housing policy is that all people can live safe and well. Since 2014, the national strategy for housing assistance 'Housing for Welfare (2014–2020)' has provided guidelines for housing policy for the disadvantaged in the housing market. The disadvantaged in the housing market are not a specific group. It is a concept that is used to describe people and families who have difficulty finding and/or maintaining a housing arrangement. They may not have their own home, they may be at risk of losing their home or may live in unsuitable housing or an unsuitable living environment. People with a disability who live in a home that is not adapted to their needs are defined as disadvantaged in the housing market.

Disadvantaged people in the housing market must receive the necessary help. If a person cannot achieve satisfactory living conditions on their own, the state has a responsibility. The local authorities have primary responsibility for helping the disadvantaged in the housing market. The state must provide good framework conditions through rules and legislation, financial schemes, and expert support. The Norwegian State Housing Bank supports the local authorities' work through the instruments it manages.

The main instrument for increasing the number of homes that are suitable for people with a reduced capacity for work is the accessibility requirements in the Technical Building Regulations (TEK 17)

under the Planning and Building Act. New homes must meet clear requirements regarding accessibility. The current requirements are stricter than those in the past, so it is mainly new builds that add to the stock of accessible homes. Only about 10 per cent of existing homes are accessible to wheelchair users. If we include homes that can be adapted to the resident's needs without overly high costs, Statistics Norway estimates that 21 per cent of homes are accessible to people with a mobility disability. A shortage of accessible housing means that people with a disability are at a disadvantage in the housing market and have fewer options than others.

The Norwegian State Housing Bank's financial instruments contribute to the construction of better-quality homes than those that would have otherwise been built. Loans from the bank stimulate increased accessibility of both new and existing homes, and help people live in their own home, regardless of functional capacity, live active lives and be as self-sufficient as possible. From 2015 to 2018, the bank's loans resulted in over 15 000 new homes being built and almost 6 500 homes being upgraded or improved.

Grants from the Norwegian State Housing Bank for rental properties help the local authorities establish more rented accommodation for people who are unable to obtain or maintain satisfactory living conditions. From 2015 to 2018, the grants provided almost 5 800 more rental properties for the disadvantaged in the housing market.

Also in this period, the Norwegian State Housing Bank managed grants for home adaptations. The grants allow people with special needs to adapt their homes to their needs. The grants help make the home suitable for the household to continue to live in it, even though a member of the family has a disability. From 2015 to 2018, the grants made it possible to carry out adaptations in almost 4 500 homes. The bank also manages a grant that co-finances the retrofitting of lifts in existing residential buildings. The grant improves accessibility for people with a disability in traditional three and four-storey blocks of flats, where access to the dwelling otherwise would be by stairs. From 2015 to 2018, the lift grants gave about 2 000 homes access to a lift.

For people with complex needs, the local authorities offer places in institutions or different forms of assisted living. The Norwegian State Housing Bank's investment grants stimulate local authorities to procure good housing for people who need 24/7 health and care services. The principles of normalisation and integration of residents form the basis for the bank's collaboration with the local authorities. In 2015 to 2018, grants were provided to over 10 000 dwellings in institutions and assisted living.

Relevant initiatives and measures after 2020

In December 2020, the government launched its new strategy 'Everyone needs a good home – National strategy for social housing policy (2021–2024)'. The strategy is based on experiences, structures and knowledge that were developed through 'Housing for Welfare (2014–2020)'. The new strategy will direct a special focus towards particularly vulnerable groups in the housing market. These are people who have no home or are at risk of losing their home, children and young people who do not have a good housing situation, and people with a disability. The goal in relation to people with a disability is that they, like others, must be able to choose where and how they live. The initiative will particularly focus on people with developmental disabilities. Many people with developmental disabilities have few actual choices regarding where they live, who they live with, and how they live. The living conditions of people with developmental disabilities will be charted in order to design measures that will give them real freedom of choice and the opportunity to decide how they want to live.

Article 20/article 1 of the additional protocol of 1988

"Please provide up-dated information on the statutory framework guaranteeing equal pay for equal work or work of equal value with particular emphasis on the following aspects:

- rules on shifting the burden of proof in cases where pay discrimination is alleged on grounds of sex*
- rules on compensation in case of pay discrimination on grounds of sex (are ceilings applicable?)*
- does national law and practice provide for pay comparisons outside the company directly concerned?*

Please describe the job classification and promotion systems in place as well as strategies adopted and the measures taken to ensure pay transparency in the labour market (notably the possibility for workers to receive information on pay levels of other workers), including the setting of concrete timelines and measurable criteria for progress.

Please provide statistical data on the gender pay gap (adjusted and unadjusted) for all years of the reference period."

Discrimination on the basis of gender is prohibited, pursuant to section 6 of the Equality and Anti-Discrimination Act. The prohibition against discrimination applies to all aspects of employment, and thus includes pay conditions, pursuant to section 29 of the Equality and Anti-Discrimination Act. Women and men at the same enterprise must receive equal pay for the same work or work of equal value. Pay must be set in the same way, without consideration of gender. This applies irrespective of whether the work relates to different disciplines or whether pay is governed by different wage agreements. Whether the work is of equal value is determined by means of an overall assessment in which emphasis is given to the competence that is required to perform the work and other relevant factors, such as effort, responsibility, and working conditions. See section 34 of the Equality and Anti-Discrimination Act.

The requirement of equal pay for the same work or work of equal value is limited to the same enterprise. A broad interpretation must be applied to the concept "same enterprise". Employees in the same local authority are, for example, employed by the same enterprise. Government employees are also employed by the same enterprise, but state enterprises do not belong to the same enterprise as the rest of the state. In the private sector, a company is one enterprise, regardless of whether it is divided into several units that are located in several places. The Ministry of Culture is assessing the scope afforded by the law for a broader comparison of information on pay between enterprises.

A worker who suspects discrimination in the setting of pay may demand that the employer provide written confirmation of the pay level and the criteria for the setting of the pay of the person or people with whom the worker is making a comparison, pursuant to section 32 of the Equality and Anti-Discrimination Act.

A person who is the subject of pay discrimination may claim redress and damages, pursuant to section 38 of the Equality and Anti-Discrimination Act. The damages must cover economic loss as a result of the unlawful treatment. Compensation for non-economic harm must be set at an amount that is reasonable in view of the nature and scope of the harm, the relationship between the parties and the circumstances otherwise.

Shared burden of proof is the general rule in the Equality and Anti-Discrimination Act, pursuant to section 37. Shared burden of proof means that if circumstances exist that provide grounds for believing that discrimination has occurred and the person responsible fails to substantiate that discrimination did not in fact occur, discrimination will be assumed to have occurred. It is the employer that must substantiate that the pay gap is due to gender neutral criteria.

Unequal pay is largely a structural problem and requires structural instruments. Different measures were implemented in 2020 reduce the gender pay gap. The duty to report on and promote gender equality in the Equality and Anti-Discrimination Act was strengthened in January of this year. Employers are now under an obligation to review pay by gender. The pay review will provide grounds on which to determine whether there is a risk of gender discrimination, so that preventive measures can be implemented. This will give employees a chance to compare their pay with the average in their job category. The requirement for a pay review means that employers in public and private enterprises with over 50 employees must review pay conditions with reference to gender every two years, and report on this work, pursuant to section 26a subsection 2 of the Equality and Anti-Discrimination Act. The pay review will provide the foundation for the enterprise's analysis of identified risks of discrimination, and for the implementation of measures that are suited to counteracting discrimination. In private undertakings that ordinarily employ between 20 and 50 people, employers must also conduct a pay review if so requested by the employees or employee representatives. Small businesses (with fewer than 20 employees) have a general obligation to work towards gender equality, and to document this work.

In addition to this, the government is working on a strategy for a more equal education and labour market. The strategy will increase equality in the education and labour market and will cover the four-year period 2021 to 2024. The strategy has two main objectives: more men in female-dominated occupations and more women in male-dominated occupations. Women and executive management, and women and entrepreneurship are also important topics.

Article 24

Please provide an up-dated description of national law and practice as regards compensation and reinstatement in case of unlawful dismissals.

Please provide an up-dated description of national law concerning valid reasons of dismissal. As regards dismissal for certain economic reasons, please indicate whether the courts have the competence to review a case on the economic facts underlying dismissals.

Please indicate what safeguards exist against retaliatory dismissal and dismissal due to temporary absence from work due to illness or injury (e.g time limit on protection against dismissal, rules applying in case of permanent disability and compensation for termination of employment in such cases).

Please indicate what strategies and measures exist or are being introduced to ensure dismissal protection for workers (labour providers), such as “false self-employed workers” in the “gig economy” or “platform economy”. Please outline the obligations on employers/labour engagers

An account has been given of measures to secure the working conditions of platform workers above in the response to article 1 subsection 2.

No changes have been made to the rules regarding employees' protection against unfair dismissal during the current reporting period. Protection against unfair dismissal is regulated in section 15-7 of the Working Environment Act (<https://lovdata.no/NLE/lov/2005-06-17-62>), which states that 'Employees may not be dismissed unless this is objectively justified on the basis of circumstances relating to the undertaking, the employer or the employee'.

For a dismissal to be lawful, it consequently must be 'objectively justified'. For a dismissal to be objective and lawful, the employer is under an obligation to comply with the case processing rules in chapter 15 of the Working Environment Act. This applies to both individual dismissals justified on the basis of circumstances relating to the employee and staffing reductions on the basis of circumstances relating to the enterprise.

A dismissal may be objective if the employee has committed serious breaches of the employment agreement, i.e. 'on the basis of circumstances relating to the employee'. However, a qualified breach of an employment agreement is required before a dismissal can be objective. In the event of a less serious breach of the employment agreement, an employer may give a written warning.

The termination of employment can also be justified on the basis of circumstances at the enterprise, including financial matters that necessitate a staffing reduction. The courts have full right of review in such matters. This means that the court can assess the objective grounds for the termination, but that it also has the competence to assess the underlying financial realities that the enterprise asserts as grounds for termination. In connection with staffing reductions, there is also a requirement that the actual selection of employees is objective. The selection may, for example, be objective if the employer reduces staff based on length of service, so that people with shortest length of service are made redundant. However, many collective wage agreements stipulate supplementary conditions for objective selection if the enterprise is a party to a collective wage agreement.

Protection against dismissal in the event of sickness is regulated in section 15-8 of the Working Environment Act. Sickness does not provide grounds for dismissal during an employee's first year of sick leave. If an employee has been sick for over one year, the ordinary rules regarding objective grounds for dismissal will apply. Under special circumstances, sickness may thus constitute objective grounds for dismissal. In such cases, the employer must provide documentation that adaptation, reassignment, and other measures have been considered. If it is uncertain whether an employee can return to work, the employer must state that the continued viable operation of the enterprise is the justification for termination of employment.

Pregnancy or parental leave during the first year of a child's life does not provide objective grounds for dismissal, according to section 15-9 of the Working Environment Act.

There may nonetheless be reason to dismiss an employee while they are on sick leave during the first year, are pregnant or on parental leave, if the employer has objective grounds. One example is a necessary staffing reduction.

No changes have been made to the rules regarding damages for unlawful dismissal or the rules regarding reinstatement in connection with wrongful termination. Note that the general rule in

section 15 of the Working Environment Act is that employees have the right to remain in their post during a case regarding employee protection.