

## — Norway and the European Social Charter —

### Ratifications

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

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

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

### Table of Accepted Provisions

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

\* Sub-para. c.

### The Charter in domestic law

Statutory ad hoc incorporation by specific implementing legislation.

### Reports \*

Between 1964 and 2013, Norway submitted 22 reports on the application of the Charter and 11 reports on the application of the Revised Charter.

The [10<sup>th</sup> report](#), submitted on 26/11/2012, covers the accepted provisions relating to Thematic Group 2 "Health, Social security and Social protection" (Articles 3, 11, 12, 13, 14, 23 and 30). The conclusions in respect of these provisions were published in January 2014.

The [11<sup>th</sup> report](#), submitted on 28/11/2013, concerns the accepted provisions relating to Thematic Group 3 "Labour rights" i.e.:

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

Conclusions with respect to these provisions will be adopted in December 2014.

\* [Following a decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years. As from 2014 State Parties having accepted the complaints procedure have to provide a national report every two years only.

## The situation of Norway with respect to application of the Revised Charter

### Examples of progress achieved in the application of social rights under the Social Charter <sup>1</sup>

#### Employment

- ▶ Repeal of the Seafarers Act of 17 July 1953, which allowed criminal sanctions to be imposed on seafarers who deserted their post or committed disciplinary offences, even in cases where neither the safety of the vessel nor the lives or healths of those on board were in danger (Act of 30 May 1975). Abolition of compulsory service for dentists. *Article 1§2 – prohibition of forced labour.*
- ▶ Amendment in 2002 of the 1958 Civil Service Disputes Act improves employees' representation in wage negotiations. *Article 6§2 – negotiation procedures*
- ▶ The Labour Disputes Act, amended in 2002, provides in its Section 35.9 that the mediator can now only join up ballots (*kobling av avstemninger*) relating to several sectors if the parties concerned agree. *Article 6§3 – right to bargain collectively (conciliation and arbitration).*

#### Movement of persons

- ▶ Extension of the scope of family reunion to include children only one of whose parents is living in Norway (1991 immigration directives, as amended in 1997). *Article 19§6 – right to family reunion.*

#### Non-discrimination (nationality)

- ▶ Various practical measures to assist foreigners in finding accommodation, such as reserving quotas of existing housing stock for refugees and immigrants, promoting research into multicultural living environments and disseminating information on the legislation providing for equal treatment in access to housing. *Article 19§4 – right to equal treatment with regard to access to housing.*

#### Education/Health

- ▶ Amendment to the Working Environment Act. Section 54 B establishes a prohibition against direct and indirect discrimination on the basis of disability. *Article 15§2 – right to employment of persons with disabilities.*

#### Cases of non-conformity

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

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

A length of residence and employment requirement is imposed on nationals of certain other States Parties lawfully resident or regularly working in Norway as a condition for entitlement to financial assistance for education  
([Conclusions 2012](#))

- ▶ *Article 24 – Right to protection in case of dismissal*

It has not been established that there is an appropriate adjustment of the burden of proof between employee and employer in dismissal cases.  
([Conclusions 2012](#))

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

- ▶ *Article 12§4 – Right to social security - social security of persons moving between states*
  - equal treatment with regard to social security rights is not guaranteed to nationals of all other States Parties;
  - equal treatment with regard to access to family allowances is not guaranteed to nationals of all other States Parties;

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<sup>1</sup> « 1. The [European Committee of Social Rights] ... rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure » (Article 2 of the Rules of the Committee).

- the length of residence required for the retention of accrued non-contributory old-age, invalidity and survivors' benefits is excessive;
- the right to maintenance of accruing rights is not guaranteed to nationals of all other States Parties.  
([Conclusions 2013](#))

► *Article 13§1 – Right to social and medical assistance - adequate assistance for every person in need*  
The level of social assistance is inadequate.  
([Conclusions 2013](#))

► *Article 23 – Right of the elderly to social protection*  
There is no adequate legal framework to combat age discrimination outside employment.  
([Conclusions 2013](#))

### **Thematic Group 3 “Labour rights”**

► *Article 2§1 – Right to just conditions of work - Right to reasonable working time*  
Legislation provides that total working hours in a twenty-four hour period may, in certain circumstances, be up to sixteen hours.  
([Conclusions 2010](#))

► *Article 4§5 – Right to a fair remuneration - Limits to deduction from wages*  
Workers may waive their right to limitation of wage deductions.  
([Conclusions 2010](#))

► *Article 6§4 – Right to bargain collectively - Collective action*  
During the reference period (2005-2006), legislation was enacted in order to terminate collective action in the state sector in circumstances which went beyond those permitted by Article G of the Revised Charter.<sup>2</sup>  
([Conclusions 2010](#))

### **Thematic Group 4 “Children, families, migrants”**

► *Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*  
It is possible for children aged 15, still subject to compulsory education, to deliver newspapers before school, from 6 a.m. for up to 2 hours per day, 5 days per week.  
([Conclusions 2011](#))

► *Article 7§5 – Right of children and young persons to protection – Fair pay*  
It has not been established that young workers receive a fair wage; and it has not been established that apprentices receive appropriate allowances.  
([Conclusions 2011](#))

► *Article 7§6 - Right of children and young persons to protection - Inclusion of time spent on vocational training in the normal working time*  
Young workers are not entitled to have their training time paid as working hours.  
([Conclusions 2011](#))

► *Article 7§8 - Right of children and young persons to protection - Prohibition of night work*  
It has not been established that the prohibition of night work covers the great majority of young workers.  
([Conclusions 2011](#))

► *Article 17§1 - Right of children and young persons to social, legal and economic protection - Assistance, education and training*  
Prison sentences for minors may be up to 21 years.  
([Conclusions 2011](#))

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<sup>2</sup> Previous such interventions to terminate collective action was the subject of RecChS(93)2 adopted on 7 September 1993 by the Committee of Ministers.

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

That it has not been established that with respect to accommodation migrant workers enjoy treatment which is not less favourable than that of nationals.

([Conclusions 2011](#))

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

Same grounds for which it is not in conformity with paragraphs 4, and 11 of the same Article.

([Conclusions 2011](#))

► *Article 19§11 - Right of migrant workers and their families to protection and assistance – Teaching language of host State*

It has not been established that migrant workers not citizens of EU/EEA are entitled to free language training when they are unable to pay the fees for compulsory language training.

([Conclusions 2011](#))

► *Article 31§1 - Right to housing - Adequate housing*

There is evidence of discrimination against migrant workers in the Norwegian housing market.

([Conclusions 2011](#))

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

**Thematic Group 1 “Employment, training and equal opportunities”**

(Report to be submitted before 31 October 2015)

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**Thematic Group 2 “Health, social security and social protection”**

(Report to be submitted before 31 October 2016)

- article 3§3 – Conclusions 2013

**Thematic Group 3 “Labour rights”**

(Report to be submitted before 31 October 2013)

- Article 4§2 – Conclusions 2010
- Article 21 – Conclusions 2010

**Thematic Group 4 “Children, families, migrants”**

(Report to be submitted before 31 October 2014)

- Article 8§3 – Conclusions 2011
- Article 19§§3 and 6 – Conclusions 2011

## **Collective Complaints and State of Procedure in Norway**

### **Collective complaints (under examination)**

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