



ARNTZEN
DE BESCHE

Employment rights

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Ann Mari Winterhus-Fjeld
SENIOR LAWYER

Ingvild Sandal
ASSOCIATE

A LEADING NORWEGIAN LAW FIRM

Our corporate vision

IS TO BE OUR CUSTOMERS' BEST ADVISOR

“Extraordinarily strategic and technical - the team has just been brilliant and gets extremely good results”

CHAMBERS AND PARTNERS

172

Unique individuals
- leading together

81
WOMEN

91
MEN

Assisted in transactions with a total value of **NOK 316,6 billion** in 2014-2018

MergerMarket

40

lawyers ranked on Chambers or Legal 500 in 2019

13

Legal areas rated in Tier 1 and Tier 2 by Chambers or Legal 500 in 2019

- Aquaculture and Fisheries
- Banking and Finance
- Capital Markets
- Corporate/M&A
- Dispute Resolution
- Employment
- EU and Competition
- Insurance law
- Maritime law
- Offshore Construction and Shipbuilding
- Oil and Gas
- Real Estate
- Tax

Our offices



OSLO
Bygdøy allé 2, 0257 Oslo
Postboks 2734 Solli, 0204 Oslo

T: +47 23 89 40 00,
e-post: oslo@adeb.no



STAVANGER
Kongsgårdbakken 1, 4005 Stavanger
Postboks 660, 4003 Stavanger

T: +47 51 89 89 00
e-post: stavanger@adeb.no



TRONDHEIM
Dyre Halses gate 1a, 7042 Trondheim
Postboks 8853 Solsiden, 7481 Trondheim

T: +47 73 87 12 00
e-post: trondheim@adeb.no

Agenda

- 1 | Cultural mindset underpinning the Norwegian working life
- 2 | Key framework of Norwegian labour law



The cultural mindset in Norwegian work life

Flat structure

- Equality
- Working across hierarchies
 - Direct and open communication
- Management style
 - First amongst equals
 - Informal leadership style
 - Collective approach to decision-making



Freedom of speech

- Constitutional right
- Freedom of speech vs. duty of loyalty
- Whistle-blower
- Proper procedure



High degree of flexibility

- Work-life balance
- Flexible hours
- Competitive advantage
- Core time



Key framework of Norwegian labour law

1 | Labour unions

2 | Right to manage

3 | Working hours and payment

4 | Right to absence

5 | Termination of employment

Labour unions

- Impact on management decisions
- Collective agreements

Right to manage

- Right to organize, lead, control and distribute work
- Limitations
 - Legislation
 - Contract
 - Objectively justified



Working hours and payment

- Normal working hours
- Overtime work
 - Exceptional and time-limited need
 - 40 percent compensation vs. 140 percent
- Senior positions and particularly independent positions

The right to vacation and payment

- 25 working days
 - 4 weeks and 1 day
- Vacation pay
 - Compensation for missing wages



Right to absence

- Sick leave
 - Self certification or medical certificate
 - Entitlement to sick pay
- Maternity leave (49/ 59 weeks)
 - Ex. 15 (+3) weeks mom - 15 weeks dad, 16 weeks to split
- Other examples:
 - Care and nursing
 - Educational leave
 - Military service



Termination of employment

- Dismissal with notice
 1. Circumstances employee
 2. Circumstances employer
- Dismissal without notice
 - Gross breach of duty
 - Serious breach of the contract



Warning regarding termination

- Termination should not come as a surprise
- *Warning should*
 - be in written form
 - Outline the reason
 - Possible consequences
- Aim: a real opportunity to change



Protection against dismissal due to sickness

- Time-limited (12 months)
- Dismissal due to *other* reasons
- Dismissal after the time-limited period
 - Objectively justified
 - Should be reluctant to dismiss
 - Adjustment of the work
 - Prognosis
 - Consequences for the business
 - Length of service



Effects of invalid dismissal

- Right to remain in post
- Resignation agreement
- May be entitled to compensation
 - Financial loss
 - Personal burden



Questions?

Relevant sources of information

- Working Environment Act
 - Norwegian version: <https://lovdata.no/dokument/NL/lov/2005-06-17-62>
 - English version: <https://lovdata.no/dokument/NLE/lov/2005-06-17-62>
- Holiday Act
 - Norwegian version: <https://lovdata.no/dokument/NL/lov/1988-04-29-21>
 - English version: <https://lovdata.no/dokument/NLE/lov/1988-04-29-21>
- Doing Business in Norway 2019, by Arntzen de Besche (page 123-140)

Contact



Ann Mari Winterhus-Fjeld

Mobile: +47 959 47 332

E-mail: amw@adeb.no



Ingvild Sandal

Mobile: +47 980 56 683

E-mail: isa@adeb.no

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