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***THE NEW NORWEIGAN  
WORKING ENVIRONMENT AND WORKER PROTECTION ACT***

*A EURO-AMERICAN LAWYERS GROUP BRIEFING ARTICLE  
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Late in its 2005 spring session, the Parliament of Norway (Stortinget) passed a new Working Environment and Worker Protection Act. The Act, which mainly maintains the basic principles of the 1977 Act, is intended to meet the need for flexibility in employment contracts and working hour periods. The changes have met opposition from trade unions and the labour and socialist parties. Parts of the new law became effective July 1, 2005, with the remainder coming into force January 1, 2006.

**The following is a short overview of the amended legislation:**

**1. Temporary employments.**

While permanent employment contracts will continue to be the main rule under Norwegian law, the Act provides for an increased use of temporary employment contracts. In addition to situations where the work in question is of a temporary character, the new law now allows employers to use temporary employment contracts for a period of up to 12 months. No specific reason has to be given for use of the temporary employment contract. However, any temporary employment exceeding a total of 12 months gives the employee an automatic right to permanent employment from the employer.

The new law also provides that a person may only be employed pursuant to a temporary contract for a maximum period of four years, if the employment contract is based on the nature of the job.

**2. First right of refusal for part time employees.**

The 1977 Act had a preference clause for persons being redundant. Under the new law, this right is now expanded for part time employees seeking full time employment when such positions are available.

**3. Pension rights and transfer of ownership.**

Under the former regulations, an employee could lose accrued pension rights when ownership of a business was transferred. The new law requires the new employer to offer a pension plan if the transferred employees took part in such plan before the transfer.



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**4. Employee rights to stay in a position pending resolution of disputes over termination of employment.**

Under the former Act, an employee had the right to maintain in his position until a dispute concerning termination of the position was finally settled in court or by agreement. This right has now been limited so that the employee may no longer retain his position should he lose his case in a lower court.

**5. Working hours**

Under the former Act, managers and employees with a particularly independent position were not covered by the regulations. Now only managers are generally excepted from the law, but at the same time the right to agree on more flexible arrangements for independent employees is expanded.

The main limit for use of overtime is unchanged, but the number of hours that may be worked each day has been increased by a system of average calculation of working hours. The new law is thus more flexible than the former Act.

An employee has the right to require flexible working hours of an employer if such hours do not represent serious disadvantage for the employer.

**6. Whistle-blowers**

The Act strengthens the freedom to speech in such cases. The employer is therefore prohibited from reciprocating were an employee has levelled justified criticism at particular conditions within the entity.

**7. Health, environment and security in the new Act.**

The basic principles under the prior law are continued, but with a stronger emphasis on the psycho-social working environment and a requirement that the employer or the employer's representatives are educated within the field of health, environment and security.

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