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Norway: Selection of employees for (collective) dismissals

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Norway

Phase:

Management

Type:

Selection of employees for (collective) dismissals

Last modified: 10 February, 2021

Native name: **Arbeidsmiljøloven**

English name: **Working Environment Act**

Article

15-7

Description

An objective assessment is required when choosing which employees are to be made redundant in case of dismissals of one or more employees according to case law based on the Working Environment Act.

The choice of employees is based on a number of factors and different factors carry different levels of importance, depending on the particular aspects of each case, each company's needs and the market situation. Factors laid down by an agreement between the management and shop steward would normally be seen to be relevant, but courts can rule that other factors should prevail. Relevant factors may include length of service (seniority), qualifications, suitability, disadvantages of being made redundant **for the employee** and any relevant social factors such as obligations to support family members. For companies bound by collective agreements, seniority will usually be the dominant principle, but other factors can be included if they are considered to be just. Shop stewards also have a special protection based in Basic Agreements (collective agreements at the cross-sectoral level) stating that the position should be taken into consideration when deciding to dismiss this person.

Comments

In addition, rules regarding which employees are to be made redundant may be contained in collective agreements. For example, pursuant to the collective agreement between the NHO (Confederation of Norwegian Business and Industry) and the LO (the Norwegian Federation of Trade Unions), length of service is the main criterion in relation to redundancies involving unionised employees. However, the length of service criterion can be deviated from if the reason is objectively justified.

Cost covered by

Not applicable

Involved actors other than national government

- Works council
- Other

Involvement others

- Court

Thresholds

No, applicable in all circumstances

Sources

- [Working Enviroment Act \(Arbeidsmiljøloven\)](#)
- Ius Laboris (2011), Individual Dismissals Across Europe

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