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European Monitoring Centre on Change

Norway: Effects of non-compliance with dismissal regulations

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Norway

Phase:

Management

Type:

Effects of non-compliance with dismissal regulations

Last modified: 31 July, 2017

Native name:

Arbeidsmiljøloven

English name:

Working Environment Act

Article

15-12, 15-5, 17-4

Description

Dismissals can be tried in court in order to be ruled invalid. If a dismissal is in contravention of the Working Environment Act, the court shall, if so demanded by the employee, rule the dismissal invalid. In special cases, and if so demanded by the employer, the court may decide that the employment shall be terminated if, after weighing the interests of the parties, the court finds it clearly unreasonable that employment should continue. This is seen as a safety valve, and could for instance be used in cases where the employee is to blame for the situation, for instance by having been active in developing a conflict with the manager .

An employee might also claim compensation. The amount is set by the court on basis of financial loss, circumstances relating to the employer and the employee, and other facts of the case.

Employees can take action through the courts following negotiation (for up to eight weeks, or six months if only compensation is claimed) with employees entitled to remain in their posts during this period. If the notice contains formal errors, is not given in writing or does not include the required information, the employee can initiate legal proceedings within four months. In such cases the notice shall be ruled invalid unless special circumstances make this clearly unreasonable.

Comments

There is no fixed compensation; compensation is awarded on the basis of case law.

Cost covered by

Employer

Involved actors other than national government

Other

Involvement others

Court

Thresholds

No, applicable in all circumstances

Sources

- [EMCC - Legal framework for restructuring](#)
- Willis Tower Watson (2016), Employment Terms & Conditions Report: Europe
- [Working Enviroment Act](#)

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