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European Monitoring Centre on Change

Norway: Reemployment obligation after restructuring

[Go to list page](#)

Norway

Phase:

Management

Type:

Reemployment obligation after restructuring

Last modified: 10 February, 2021

Native name:

Arbeidsmiljøloven

English name:

Working Environment Act

Article

14-2

Description

An employee who has been dismissed owing to circumstances relating to the undertaking (both in cases of individual and collective dismissals) shall have a one year preferential right to a new appointment at the same undertaking, unless the vacant post is one for which the employee is not qualified.

The preferential right shall also apply to an employee who is on a fixed-term contract (except if the employee is filling in for somebody who is absent) and who, owing to circumstances relating to the undertaking, is not offered continued employment. The preferential right shall also apply to employees who have accepted an offer of reduced employment instead of dismissal.

The preferential right applies to employees who have been employed by the undertaking for a total of at least 12 months during the previous two years. The provisions regarding preferential rights to a new appointment shall apply correspondingly to employees who have been dismissed in connection with the bankruptcy of an undertaking. However, this shall only apply if the undertaking is continued or resumed and, in view of its location, nature, extent and the like, is regarded as a continuation of the original undertaking.

Comments

The preferential right is only evoked if the employer hires a new employee, and not if existing employees are replaced within the company.

Cost covered by

Not applicable

Involved actors other than national government

National government only

Thresholds

No, applicable in all circumstances

Sources

Working Environment Act § 14-2 (Arbeidsmiljøloven § 14-2)

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- › [Restructuring related legislation](#)
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