

## European (& the GCC) Employment Law Update

Jurisdiction: Norway  
Date: April 2018

Impact date	Development	Impact
1 July 2017	Increased protection of whistleblowers	<p>New rules on whistleblowing have been adopted. The rules are intended to increase the protection of whistleblowers and establishes a more extensive obligation for employers to implement whistleblowing policies in the company. The most important changes are the following:</p> <ul style="list-style-type: none"> <li>- All companies which regularly employ more than five employees, will have an obligation to implement whistleblowing routines in the company.</li> <li>- The protection against reprisals will also encompass hired employees.</li> <li>- Authorities will have an obligation to keep the identity of the whistleblower confidential.</li> </ul>
1 July 2017	Working hours	<p>New rules on working hours have been adopted, which under certain circumstances open up for work between 9 pm and 11 pm.</p> <p>The employee must be the one who takes the initiative to such work, and it requires a written agreement between the employee and the employer.</p> <p>Some of the employee's work must be postponed until these working hours and the employer must ensure that the employee does not work longer hours than before.</p>

September 2017	Permanent employment, temporary employment and the use of hired staff	<p>The Government has proposed new rules with regard to permanent and temporary employment, and the use of hired staff. The most important changes are the following:</p> <ul style="list-style-type: none"> <li>- That a legal definition of permanent employment is included in the Working Environment Act, stating that a permanent employment is an employment that is continuous and unlimited in time, where the rules with regards to termination of employment will apply and where the employee is guaranteed predictability for his/her work by way of a real scope of the employment.</li> <li>- To include a new provision in the Working Environment Act with regards to the use of temporary employment agreements for staffing agencies. The new provision states that a temporary employment agreement can be entered into with an employee in a staffing agency when he/she is hired out to perform work for one or more employees in another company.</li> <li>- to set a limit for the number of hired-ins that a company can have.</li> </ul> <p>It is unclear if and when the new rules will be adopted and when they will enter into force.</p>
March 2018	Whistleblowing	<p>The Government has published a report on the issue of whistleblowing which states that there is no pressing need to amend the current rules. However, the report contains a number of suggestions and recommendations which strengthen the protection of whistleblowers, such as:</p> <ol style="list-style-type: none"> <li>1) Composing a national guide on whistleblowing.</li> <li>2) Establishing a commission on whistleblowing that can give advice, support and assistance to whistleblowers in concrete cases. The commission could offer mediation and recommend free legal aid. In severe cases the commission might also have competence to initiate independent investigations.</li> </ol>

		<p>3) The majority of the authors suggests that a dispute resolution mechanism for whistleblowing be established, and that this institution should take a stand on whether the employee is the object of retribution or if there is a breach of the employer's duty to act. The institution might also be given the competence to award compensation for damages and damages for non-economic loss to whistleblowers.</p> <p>4) Widen the access to compensation for damages, and damages for non-economic loss.</p> <p>The report is only preliminary and it is not yet clear if or how the rules on whistleblowing will be changed, or when the changes will take effect.</p>
March 2018	Part-time employees' priority to a part of a position.	<p>The Government has proposed new rules specifying that the preferential right to employment for part-time employees also applies to part of the available position, except in cases where exercising such rights will result in a major disadvantage for the employer.</p> <p>It is not yet clear when the change will enter into force.</p>