

iGlobal Law : 2022 Annual Update : Norway

Legal Change	Effective Date	Action required
<p>Regulation on Work Performed in the Employee's Home Publication of an updated regulation regarding WFH is expected in 2022.</p> <p>It is expected that the update will not involve major changes to the current regulation. The final changes have not yet been published, but it is expected that this will include that the Norwegian Labour Inspection Authority (Nw: Arbeidstilsynet) will be authorised to perform inspections to ensure compliance with the regulation. The requirement to sign a written agreement with the employee regarding working from home will most likely continue to apply, as well as the employer's responsibility to ensure a safe working environment for the employee.</p>	TBA	Nothing at this stage but keep an eye out for changes when published.
<p>Covid related changes to employment legislation</p> <p>During the covid pandemic, the government has passed several temporary changes to legislation relevant for employers, for example, in connection with covid related sick leave and temporary lay-offs etc. Several changes are extended into 2022.</p>	TBA Effective from January 2022 to July 2022	Nothing at this stage but keep an eye out for changes when published.
<p>Temporary employment</p> <p>The new Norwegian government elected in September 2021 have proposed to remove the possibility to temporarily employ employees for up to 12 months, cf. the Working Environment Act (WEA) section 14-9 litra f. At present, employers can employ temporary employees subject to this section without having to legally justify the need (as opposed to the other regulations on temporary employment).</p> <p>The suggestion to remove the WEA section 14-9 litra f has been presented by the government, but not yet been processed by parliament. We expect that the parliament will agree to the removal.</p>	TBA	Nothing at this stage but should be noted when/if passed by parliament.
<p>The right for unions to institute legal proceedings in relation to hire of employees from temporary work agencies</p> <p>The new government have expressed that they would like to re-institute the "collective right to institute legal proceedings".</p> <p>At present, employees hired from a temporary work agency who want to challenge the legality of their hire</p>	TBA	Nothing at this stage but should be noted when/if passed by parliament.

<p>must institute legal proceedings themselves. A collective right to bring action would mean that the unions may institute legal proceedings to determine whether a hire is legal, regardless of whether the employee in question wants to be involved in the proceedings.</p> <p>The suggestion to re-institute the collective right to bring action has been sent to hearing, but has not yet been processed by parliament. It is not clear when such processing will take place.</p>		
<p>Penalty for "salary theft"</p> <p>Salary theft will now be punishable by law.</p> <p>If an employer withholds pay (salary, holiday pay etc) without legal grounds and with the intent to wrongfully obtain a profit for themselves or others, the employer's representative may be fined or sentenced to prison for up to two years. For particularly serious salary thefts, the employer's representative may be sentenced to up to six years prison.</p>	<p>1 January 2022</p>	<p>To be noted.</p>
<p>Obligation to pay out salary and holiday pay through bank</p> <p>As of 1 January 2022, employers must pay out salary, holiday pay and similar pay-outs through bank or a company, with the right to facilitate payments, to the employee's bank account. Payment in cash is only allowed if pay-out through bank or a company with the right to facilitate payments is impossible or particularly onerous for either the employer or the employee.</p> <p>This marks a change from the current legislation, where salary and similar payments can be paid out in cash.</p> <p>The Norwegian Labor Inspection Authority is given the authority to enforce the new legal requirement.</p>	<p>1 January 2022</p>	<p>To be noted.</p>
<p>Amendments to the Citizenship Act</p> <p>Amendments are made to the Citizenship Act and the Citizenship Regulations from 1 January 2022. The requirement for residence time when applying for citizenship is raised, so that applicants must as a general rule have a total of eight years of residence during the last eleven years, with residence permits of at least one year. The requirement for residence time under applicable law is continued for recognized refugees. For applicants who have had sufficient income in the last year with a fixed tax settlement, a requirement is made for a total of six years' residence in the kingdom during the last ten years with residence permits of at least one year's duration. The fee for applying for citizenship will be raised from NOK 5,500 to NOK 6,500 from 3 January.</p>	<p>1 January 2022 / 3 January 2022</p>	<p>Note the requirements, deadlines and the fee estimates.</p>

<p>Changes in the unemployment benefit regulations</p> <p>With effect from 1 January 2022, the special rule that unemployment benefits can be granted on the basis of business income from fishing and hunting is repealed.</p> <p>A legal basis has been adopted for the payment of holiday pay supplements to unemployment benefits paid in 2021, for payment in June 2022. The scheme is regulated in regulations laid down by the Ministry.</p> <p>Unemployment benefits will no longer be reduced as a result of a recipient of unemployment benefits receiving a pension from private occupational pension schemes.</p>	<p>1 January 2022</p>	<p>Essential to assess when initiating e.g. temporary lay-offs.</p>
<p>Changes in the regulations for initiative money and for additional benefits</p> <p>From 1 January 2022, the rates for initiative money and for certain additional benefits will change.</p> <p>The rate of initiative benefits will be changed from 1 January 2022 so that the rate corresponds to the minimum rate of unemployment benefits.</p> <p>From 1 January, the rates for additional benefits under the National Insurance Act will be changed to cover expenses to get into or keep work, travel expenses and mobility-promoting benefits under the Labor Market Act and benefits for childcare for single mothers or fathers.</p>	<p>1 January 2022</p>	<p>Keep up to date with the rules and deadlines. The government website provides clear guidance.</p>
<p>Penalty for breach of employer obligations under the Act on Mandatory Occupational Pensions</p> <p>Employers who do not fulfil their obligations under the Mandatory Occupational Pensions Act with regard to establishing or paying contributions to occupational pensions for their employees, will be punishable by fines or imprisonment for up to 2 years.</p>	<p>1 January 2022</p>	<p>It is essential to keep up to date with the Act on Mandatory Occupational Pensions</p>
<p>Higher penalty for serious violations of the Working Environment Act</p> <p>The penalty for violations of provisions in the Working Environment Act or orders given in or pursuant to the Act, in particularly aggravating circumstances, is increased from three to five years.</p>	<p>1 January 2022</p>	<p>It is too early to know what the impact will be on Norwegian employment law. Nevertheless, it is essential to remain compliant with the provisions in, and pursuant to, the Norwegian Working Environment Act.</p>