

Norway

Algorithmic management

Phase	Control measures in the undertaking
Native name	Kontrolltiltak i virksomheten
Type	Algorithmic management
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Article

Working Environment Act 2005, chapter 9

Description

LAST UPDATE 2023 - THIS CONTENT WILL NOT BE UPDATED

This chapter contains regulations setting limits and procedures for the application of control measures in undertakings. The employer may only implement control measures in relation to employees when such measures are objectively justified by circumstances relating to the undertaking and it does not involve undue strain on the employees (section 9-1). Such measures should be discussed with the employees' elected representatives as early as possible. The obligation to discuss covers both the needs, design, implementation and major changes (section 9-2).

Before a measure is implemented, the employer has a duty to inform the employees affected of the purpose of the control measure, practical consequences and duration. The measure should further be evaluated regularly (section 9-2).

Further, the chapter gives more detailed regulations in some areas. The employer is not allowed to request health information from persons applying for a position, exceeding information necessary for performing the job

Commentary

The regulations are supplemented by the the EU regulation 2016/679 GDPR, and the regulations are partly overlapping. WEA chapter 9 mainly give regulations concerning what control measures that can be implemented, while the GDPR gives regulations on how data collected as part of these measures should be handled.

Research into the application of the regulations indicates problems when it comes to compliance with the regulations (Bråten et al. 2023). Among the companies that have safety delegates or union reps, 36 per cent indicate that safety delegates were involved in the decision-making phase in the procurement of new digital technology, while 34 per cent report that union reps were involved. Many of the businesses that involved union reps or safety delegates in the decision-making also involved them in the implementation. Meanwhile, almost half of the businesses indicate that they have not involved union reps or safety delegates in the process. Businesses' reported practices in terms of involvement seem to differ considerably from the statutory provisions regarding the introduction of new technology.

There is broad agreement among the business leaders covered by this research that it is important to protect employees' privacy when introducing digital technology. However, only 58 per cent have told employees what data is collected, and only 46 per cent have discussed the ramifications for privacy with safety delegates or union reps

Additional metadata

Cost covered by	None
Involved actors other than national government	National government Trade union
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

- [Working Environment Act Chapter 9](#)~~~ [The Norwegian Data Protection Authority information about workplace data protection \(Norwegian\)](#)~~~ [Bråten et al. \(2023\) Digitalisation, privacy protection and union rep participation \(Summary\)](#)~~~

Citation

Eurofound (2023), Norway: Algorithmic management, Restructuring legislation database, Dublin