

Norway

Selection of employees for (collective) dismissals

Phase	Working Environment Act
Native name	Arbeidsmiljøloven
Type	Selection of employees for (collective) dismissals
Added to database	08 May 2015
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Article

15-7

Description

Employees may not be dismissed unless this is objectively justified based on circumstances relating to the undertaking, the employer or the employee. Dismissal due to curtailed operations or rationalisation measures is not objectively justified if the employer has other suitable work in the undertaking to offer the employee.

The obligation to look for other suitable work was expanded 1 January 2024. If the undertaking is part of a group of company, the employer also must look for suitable work in the other undertakings in the group. A legal definition of "group of companies" is given in section 8-4 (4). Decisive is whether the parent company has decisive influence on the undertaking.

An objective assessment is required when choosing which employees are to be made redundant in case of dismissals of one or more employees according to case law based on the Working Environment Act. The choice of employees is based on a number of factors and different factors carry different levels of importance, depending on the particular aspects of each case, each company's needs and the market situation. Factors laid down by an agreement between the management and shop steward would normally be seen to be relevant, but courts can rule that other factors should prevail. Relevant factors may

include length of service (seniority), qualifications, suitability, disadvantages of being made redundant for the employee and any relevant social factors such as obligations to support family members.

For companies bound by collective agreements, seniority will usually be the dominant principle, but other factors can be included if they are considered to be just. Shop stewards also have a special protection based in Basic Agreements (collective agreements at the cross-sectoral level) stating that the position should be taken into consideration when deciding to dismiss this person.

Commentary

In addition, rules regarding which employees are to be made redundant may be contained in collective agreements. For example, pursuant to the collective agreement between the NHO (Confederation of Norwegian Business and Industry) and the LO (the Norwegian Federation of Trade Unions), length of service is the main criterion in relation to redundancies involving unionised employees. However, the length of service criterion can be deviated from if the reason is objectively justified.

Additional metadata

Cost covered by	None
Involved actors other than national government	Works council Court
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 \(Arbeidsmiljøloven\)](#)~~~ Ius Laboris (2011), Individual Dismissals Across Europe~~~ Willis Tower Watson (2016), Employment Terms and Conditions Report: Europe~~~

Citation

Eurofound (2015), Norway: Selection of employees for (collective) dismissals, Restructuring legislation database, Dublin