

**FOURTH STUDY COMMISSION
2006**

NORWAY

Do we need special Labour Court procedures and alternative disputes methods

This Questionnaire does not deal with settlement of collective interests i.e. between trade union and employers association to change tariffs or between works council and employer regarding new plant agreements. In most countries there exist specific procedures and institutions to handle this kind of collective disputes. The main objective of this questionnaire is the settlement of a specific points of law regarding claims of employees. This also involves the question how trade unions and statutory representative bodies may be involved in supporting this by supporting the individual employee or representing employees interest in specific procedures.

I - Are there *new initiatives* to make Labour Court hearings more efficient?

Individual labour law disputes are regulated by the Working Environment Act, in force since 01.01.2006. All individual labour cases are decided by the general civil courts. There are no new major initiatives to make the Court hearings more efficient.

1. Are there any pre-trial procedures?

There are pre-trial procedures for all individual cases regarding discharge or any type of termination of contracts made by the employer.

a. Are they mandatory?

Yes.

b. In which way is the court involved?

The court is not involved before the writ of summons is filed.

c. How long may they go on?

This is not regulated by law, but the writ of summons must be filed within 8 weeks after the pre-trial proceedings has ended.

d. Who has to bear legal cost?

The legal costs for the pre-trial proceedings are borne by the parties.

e. Which effect do they have on the time of prescription ?

None.

2. *Are there specific ideas to give assistance to the plaintiff to raise his claim more effectively?*

No.

3. *What interest has to be paid for remunerations, which are not paid at the date of maturity?*

The interest paid for such remuneration is the official interest.

4. *Are there procedural regulations for mediation*

Yes, by provisions of The Dispute Act.

- a. *Is mediation compulsory?*

It is up to judge to decide if mediation shall take place.

- b. *How are the mediators selected? In which way is the court involved? Are judges different from trial judges?*

The mediator is the trial judge. If mediation fails, the case is given to a new trial judge.

- c. *Is it confidential?*

Yes.

- d. *How long may mediation go on? How is it finished?*

The provision of The Dispute Act does not provide an expressed period of time. Normally mediation goes on for one day. If it is not finished by a settlement, the case goes to trial.

- e. *Who has to bear the legal cost?*

The parties normally bear their one legal cost.

- f. *Which effect does mediation has on the time of prescription?*

None.

- g. *What training in law and procedure is given to mediators?*

Judges can take courses in mediation.

II - Collective (class) action.

- 1. What kind of collective actions have you got?*
- 2. Who are the Parties of these procedures?*
- 3. Which courts are competent?*
- 4. Which effects has their decision?*
- 5. To whom is this decision binding?*
- 6. Is it possible for a works council or trade union to sue or request for ascertainment of rights or legal relations, if some employees are involved? Do they have to specify these employees?*
- 7. Who has to bear the cost?*

For the time being there are no procedural regulations for collective actions before the ordinary courts concerning claims of employees.