

ACT OF 5TH MAY, 1927, No. 1 RELATING TO LABOUR DISPUTES AS  
AMENDED MOST RECENTLY 5TH JUNE, 1981

CHAPTER I. INTRODUCTION

§ 1. Definition of Terms Used in the Act

For the purposes of this Act:

1. "Employee" (arbeider) shall mean any person who carries out work of any kind for remuneration in another's employ and who is not covered by the Act relating to Public Service Disputes;
2. "Employer" (arbeidsgiver) shall mean any person who employs one or more employees;
3. "Trade union" (fagforening) shall mean any federation of employees or of employees' associations the object of which is to protect the interest of the employees against their employers;
4. "Employers' association" (arbeidsgiverforening) shall mean any federation of employers or of employers' associations the object of which is to protect the interests of employers against their employees;
5. "Strike" (arbeidsnedleggelse, streik) shall mean a total or partial stoppage of work brought about by the employees acting in combination or in collusion for the purpose of forcing a settlement of a dispute between a trade union and an employer or an employers' association; any action to block the undertaking concerned of labour because of the strike shall be deemed to be part of a strike
6. "Lockout" (arbeidsstengning, lockout) shall mean a total or partial stoppage of work brought about by an employer for the purpose of forcing a settlement of a dispute between himself or another employer and a trade union, or between an employers' association and a trade union, irrespective of whether other employees have or have not been engaged in place of the employees locked out. Any action to prevent locked-out workers from obtaining other employment shall be deemed to be part of a lock-out.
7. "Notice to cease work" (arbeidsoppsigelse) shall mean notice by the employees to give up their employment or by the employer to dismiss his workers with a view to bringing about a strike or lockout;
8. "Collective agreement" (tariffavtale) shall mean an agreement between a trade union and an employer or an employers' association respecting conditions of employment and wages or other matters relating to employment.

## § 2. Liability to Supply Information

A trade union or an employers' association or a federation of such bodies shall be bound to supply information at the request of the competent Ministry or of the State mediator respecting the organization of the union, association or federation or its membership, etc. A federation of unions or associations shall also be bound to supply such information respecting its branches.

## § 3. Collective Agreements

1. Collective agreements shall be drawn up in writing and shall contain provisions respecting date of expiry and term of notice. A copy shall be sent to the State mediator not later than a fortnight after the signing of the agreement.
2. In default of any provisions to the contrary respecting the period of validity of a collective agreement, it shall be deemed to have been concluded for three years reckoned from the date of signature thereof.

If notice to terminate a collective agreement is not given by the date fixed for such notice or, where a period of notice is not specified in the agreement, not less than three months before the expiry of the period of validity, the agreement shall be deemed to be renewed for one year. Notice to terminate an agreement shall be given in writing.

3. If a contract of employment concluded between an employee and an employer both of whom are bound by a collective agreement contains any provisions contrary to the provisions of the collective agreement, the former provisions shall be void.
4. If a member or a branch of union or association resigns therefrom or otherwise ceases to be a member thereof, the said member or branch shall not be relieved of any liabilities under the collective agreements in force for the union or association at the date of the cessation of membership.

## § 4. Responsibility in Respect of Breach of Collective Agreement and Illegal Stoppage of Work

If members of a trade union or an employers' association have broken a collective agreement or have been guilty of illegal stoppage of work both the union as well as the members concerned are under liability to pay compensation. The union's liability commences only when the union itself is to blame for the breach or for the continuation of the illegal conditions or the illegal stoppage of work.

If members of a trade union are guilty of an illegal work stoppage, the provision in the first sentence of the first paragraph concerning the liability of the members applies correspondingly to other employees who take part in the illegal stoppage.

§ 5. Stipulation of Compensation for Breach of Collective Agreement and Illegal Stoppage of Work

On stipulating compensation for breach of collective agreement or illegal stoppage of work the court shall take into consideration the extent of the damage, the blame and the financial ability of the party causing the damage, the position of the injured party and the circumstances otherwise. In especially extenuating circumstances compensation may be dropped altogether.

§ 6. Obligation to Observe Peace

1. In the case of a dispute concerning the validity of a collective agreement, interpretation or existence of claims based on a collective agreement recourse shall not be had to stoppage of work, lockout or other industrial strife.
2. If it has been established by award that stoppage of work, lockout or other industrial strife in violation of Art. 6 No. 1 has taken place and the action constituting a breach of the collective agreement is not brought to an end within four days after an award has been given, the injured party or the organization of which he is a member may apply to the Labour Court for its consent to put into effect stoppage of work or lockout.

The application in this respect shall be sent to the chairman of the Labour Court who shall as soon as possible after the expiry of the time limit convene a meeting to deal with the application. The Labour Court cannot give its consent unless the chairman of the Court and at least one of the two members specified in No. 3 of Section 10 agrees to this.

The declaration of a stoppage of work with the consent of the Labour Court shall not entitle the other party or the organization of which he is or has been a member to declare or continue a strike or lockout or other industrial strife in connection with the dispute.

3. Recourse shall not be had to a strike, a lockout or other industrial strife to settle a dispute between a trade union and an employer or employers' association respecting the regulation of terms of employment or wages or other matters relating to employment which are not covered by a collective agreement until the time limits fixed in Sections 29 and 36 have expired. If the dispute relates to the conclusion of a collective agreement to supersede a previous collective agreement, the period of validity of the latter must also have expired.

As long as stoppage of work, lockout or other industrial strife cannot be put into effect (see Sections 29 and 36), the collective agreement and the terms of employment and wages that were in force when the dispute started shall continue in operation if the parties have not reached some other agreement.

CHAPTER II. THE LABOUR COURT

§ 7. Seat and Jurisdiction of the Labour Court

- 1. A Labour Court with its seat in the Capital of the Realm shall be set up.
- 2. Subject to the exceptions set forth in subsections 3 and 4, the Labour Court shall deal with such disputes as are mentioned in § 4 and § 6, subsection 1, and disputes as to whether there is a breach of the provisions of § 6, subsection 3. The Labour Court may nevertheless not deal with disputes mentioned in § 4 if the action has only been brought against such employees as are mentioned in the second paragraph of § 4. The Labour Court shall likewise adopt decisions as mentioned in § 6, subsection 2 and the fifth paragraph of § 29, subsection 1.

The parties may accept private arbitration in respect of such disputes as are mentioned in Section 6, paragraph 1.

- 3. In the event of a dispute concerning a collective agreement with one individual employers' federation which, in accordance with its statutes, has no members in more than 2 provinces, proceedings shall, in pursuance of the rules of this Act (Section 26 b), be instituted in the county or town court in the locality of the undertaking concerned by the dispute. In case of a number of undertakings in different court districts being concerned by the dispute, joint proceedings respecting all the undertakings may be instituted in one of the court districts. Following an agreement of the parties to that effect, proceedings may also be instituted in another county or town court.
- 4. The parties may also arrange for other disputes than those described in no. 3 of this Section to be referred to the county or town court in pursuance of this Act.

The Labour Court may, upon application by the chairman of the labour Court, transfer a case from the Labour Court to a county or town court at the request of one of the parties.

- 5. Such cases as mentioned in paragraph 3 may with the consent of the chairman of the Labour Court be referred direct to the Labour Court or may be transferred from a county or town court to the Labour Court at the request of one of the parties.
- 6. In the event of a seizure having been resorted to with a view to safeguarding compensational claims, the award with respect to which lies within the field of the jurisdiction of the labour Court, or of a town or county court, proceedings shall have to be instituted within 6 days of the seizure.

§ 8. Actions in Connection with a Collective Agreement

If a collective agreement has been concluded between a trade union, its branches and members on the one hand and an employer or employers' association, its branches and members on the other hand, it is only supreme trade union or employers' association or the isolated employer that has the right to take legal action. The supreme trade union or employers' association may, however, transfer in writing its right of action to a branch that has signed the collective agreement. The Labour Court and the other party to the agreement shall be notified in writing of the transfer, which may be limited to a single dispute, but which may also have effect for the entire period of the agreement. In so far as concerns a transfer of the latter nature, action may be brought direct and alone against the relevant branch by the other party to the collective agreement that is entitled to action.

A member or branch which does not have right of action according to subsection one, cannot act as assistant intervener unless the party that has right of action consents to this.

If a party desires to bring action against certain specified members of an association, these members shall be summoned at the same time as the association. The same applies if an action is to be brought against other specifically named persons, cf. the second paragraph of § 4.

§ 9. Claims Based on Contracts of Employment

A claim based on a contract of employment may be included in an action respecting a collective agreement if the claim will be settled directly by the award in the principal action.

If the Labour Court in its award adopts a certain interpretation of a collective agreement, the said interpretation shall also apply to every contract of employment based on the said collective agreement.

§ 10. Composition of The Labour Court

1. The Labour Court shall consist of a chairman and six other members.
2. The chairman of the Labour Court, the other members thereof and at least two substitutes for each member shall be appointed by the King for three years at a time. Four members and their substitutes shall be appointed in pursuance of nominations in conformity with Section 11.
3. The members of the Labour Court must be Norwegian citizens, have attained the age of thirty years, and be solvent; they must not have forfeited the right to vote in public affairs or the right to hold public office, nor have been sentenced in pursuance of Section 42 of this

Act. They must not be members of the executive committee of a trade union or an employers' association, nor be permanent employees of such a union or association.

The chairman and one of the two members not appointed in pursuance of nominations in conformity with Section 11 must in addition satisfy the requirements prescribed for judges of the Supreme Court. The other member must not hold any post or carry on any business such that he can be regarded as a representative of either of the parties.

#### § 11. Right of Nomination

1. Every employers' association with a membership of not less than 100 employers who employ in all not less than 10,000 employees, and every trade union with a membership with not less than 10,000 employees, shall have the right to submit nominations for two members of the Court with their substitutes. Nevertheless, every list of nominations shall include double the required number of persons. The persons nominated must have declared themselves willing to accept office.
2. Two members and their substitutes shall be appointed for each party from among the persons thus nominated. If nominations have been made concurrently by two or more trade unions or employers' associations, the number of members of the said unions or associations shall be taken into consideration in the first place in the appointment of the members of the Court.
3. If nominations have not been submitted to the competent Ministry within the time limit fixed by the Ministry, the appointments shall be made without nominations.

#### § 12. Appointment of New Members

If a member of the Court or a substitute dies, or is released from office or ceases to satisfy the requirements laid down by No. 3 of Section 10, a new member or a new substitute shall be appointed for the remainder of the term of office.

In the case of a member or a substitute appointed in pursuance of nominations in conformity with Section 11, the organizations concerned shall be given an opportunity to make fresh nominations.

#### § 13. Incompetence

1. A member of the Labour Court shall be incompetent in the circumstances in which a judge is incompetent in ordinary civil cases. If other special circumstances are present which are liable to cause doubts respecting the impartiality of a member, the said member shall likewise withdraw. The question may be raised either by the member himself or by the parties.
2. The Court shall decide whether a member must withdraw on the ground of incompetency.

§ 14. Substitutes for a Judge Who is Incompetent or Unable to Attend

If the chairman is incompetent or is unable to attend, the King shall appoint a substitute.

If another member of the Court is incompetent or is unable to attend the chairman shall call upon one of the substitutes for the member concerned, in the order of their appointment to take his place.

A deputy appointed in pursuance of the recommendation of an association, the recommendation of which was not acted upon when the permanent members were being appointed, shall in cases concerning that association or its members be called upon to function in place of the member whose deputy he is.

In the event of the unavoidable absence of a member appointed in pursuance of the recommendation of an association, a deputy appointed pursuant to a recommendation by that association shall be called upon to serve before other deputies are called. If there is no such deputy for the member concerned, but one for another member, that deputy shall first be called upon.

§ 15. Quorum of the Court

The Court shall not be competent to deal with a case or adopt a decision unless all the members are present.

If a member of the Court is unable to attend the proceedings and it must be assumed that his absence will last for more than one week, a substitute shall be appointed in conformity with Section 14.

The members of the Court who have begun to deal with a case shall continue to do so until the termination thereof, even if their term of office expires during the proceedings.

§ 16. Judge's Oath

A person shall not serve as a member of the Labour Court until he has taken an oath in writing to perform his duties conscientiously.

The oath shall be sent to the competent Ministry. The Crown shall prescribe the form of the oath.

§ 17. Representation of the Parties

The parties may appear in person or by means of authorized representatives. Not more than three persons shall appear for each party.

The representatives of the parties must be adult Norwegian citizens who have not lost the right to vote in public affairs or the right to hold public office.

Nevertheless, the competent Ministry may grant exemption from the requirement that the representatives of the parties must be Norwegian citizens.

The powers of the representatives must be unlimited.

§ 18. Preliminary Procedure

1. The case shall be brought before the Labour Court by way of a petition in writing which shall be sent to the chairman of the Court. It shall be submitted in so many certified copies that the Court and the parties to which the petition is to be sent can each receive a copy.

The application shall give the following particulars:

- a) the full name and address of both parties;
- b) a statement of the case and the claim which the plaintiff wishes to make;
- c) particulars respecting the evidence which the plaintiff intends to produce, the manner in which he proposes to procure the evidence, and the facts which he proposes to establish thereby;
- d) particulars respecting the evidence which the plaintiff wishes to procure from the other party or with the assistance of the Court;
- e) a proposal with respect to the time and place for the hearing of the case.

If there is any defect in the application, the chairman shall draw the attention of the plaintiff thereto as soon as possible, and point out how it should be rectified.

2. The application shall be accompanied by an extract from the record of the negotiations which have been carried on between the parties to the dispute, or by evidence of the fact that such negotiations have been carried on or that the plaintiff has endeavoured to enter into such negotiations.

In case of failure to produce such evidence, the chairman shall draw the attention of the plaintiff thereto and shall inform him that the Court cannot deal with the case unless negotiations have been carried on or the plaintiff has made an unsuccessful attempt to enter into negotiations.

3. When the petition is in order and the chairman finds it to be established that negotiations respecting the dispute have been carried on by the parties or that attempts at negotiations have been made in vain by the plaintiff, he shall without delay send a copy of the petition to the defendant. At the same time he requests the defendant to reply in writing within a certain time limit and to set forth his comments to the petition, mention the claims that will be made on his part, and to submit statements respecting the evidence corresponding to those mentioned under c) and d) of no. 1. The reply shall be submitted in so many certified copies that the



Court and the parties to which the reply is to be sent can each receive a copy.

4. The chairman shall fix the time and the place for the hearing of the case in court. The court shall sit as soon as possible. The session may be held elsewhere than at the permanent seat of the Court.
5. The chairman shall summon the other members of the Court. He shall also summon substitutes if there is reason to expect that any members will be challenged on the ground of incompetence and he is of opinion that the challenge will be allowed by the Court.
6. The chairman shall draw up the summonses to the parties and cause them to be served with a time limit of not less than forty-eight hours, exclusive of the time necessary for travelling. Under extraordinary circumstances and if the chairman finds it to be essential, the summons may take place through the press and the Norwegian State Broadcasting Corporation. If the defendant has sent in a reply the chairman shall send a copy to the plaintiff. The Ministry may issue further directions respecting announcement through the press and the Norwegian State Broadcasting Corporation.
7. The chairman shall summon the witnesses, experts and other persons whose evidence he considers desirable. The persons summoned shall be entitled to one day's notice in addition to the time necessary for travelling. In other respects the chairman shall have the same powers as regards the preparations for the taking of evidence as are conferred on the Court by Section 19.

#### § 19. Procedure

1. The chairman shall conduct the proceedings.
2. The case shall be dealt with and the evidence taken in any manner which the court thinks proper. The principal proceedings shall be oral, unless both parties agree to proceedings in writing and the Court raises no objections thereto.
3. The Court shall see that the case is fully investigated.
4. The Court may call for declarations from the parties, experts and any other persons whose evidence may be of importance in the case. Any person may refuse to reply to a question if the reply is liable to expose the person himself or his wife, relatives by blood or marriage in the direct ascending or descending line, brothers or sisters or any other persons nearly related by marriage, to punishment or loss of social standing. If the Court so decides, the same rule shall apply to questions which similarly affect a person to whom the witness is betrothed, or his foster-parents or foster-children. The rule which applies with respect to husbands and wives shall apply even if the marriage has been dissolved.
5. The Court may require the production of documents, accounts and other documentary evidence over which

either party or any person bound to give evidence in the case has control. It may require a party or a witness to examine account books or other documentary evidence and make notes thereon and bring them with him.

6. The Court, acting either as a whole or through one or more of its members or appointed experts, may undertake inspections and inquiries. In this connection it may be required that implements be used, machines started and methods of work demonstrated.
7. The Court may require evidence to be taken by any of the general inferior courts. The evidence shall be taken as soon as possible, if necessary by means of a special session of such court. The judge shall make the necessary arrangements for the conduct of the business on his own initiative. The witnesses shall be given one day's notice. The parties shall not be summoned to attend unless this is required in the request made by the Court.

#### § 20. Failure of the Parties to Appear

If one of the parties fails to appear and it is stated or appears probable that he has a valid reason for his absence, the case shall be adjourned.

If it is not stated and does not appear probable that he has a valid reason for absence, and if the other party appears, the latter may demand that the case be proceeded with. In this event the case shall be dealt with as far as possible as if the defaulting party were present.

If both parties fail to appear and it is not stated and does not appear probable that either of them has a valid reason for absence, the case shall be dismissed.

#### § 21. Duty of Witnesses and Parties to Appear

1. It shall be the duty of every person who is summoned by the chairman of the court to attend as a witness before the Labour Court, if his place of residence or sojourn is within such a distance from the place where the Court sits that it is not necessary for him to travel more than 600 kilometres by railway or 300 kilometres by steamer and 100 kilometres by other means of conveyance, or a corresponding distance partly by one means of conveyance and partly by another.

It is of great importance that a witness should attend, the chairman on his own initiative or at the request of either of the parties may extend the limits for compulsory attendance.

2. Any person who is present at the place where the Court sits or in the vicinity thereof may be required by the Court to appear to give evidence at once. The Court may require witnesses who attend to appear again later.
3. Witnesses summoned by the chairmann shall be entitled to claim compensation from the State Treasury in conformity with the rules laid down in the Penal Procedure Code for witnesses in cases before the jury courts (lagmannsrett).

The Court may allow the same compensation to witnesses called by the parties if their evidence is of importance in the case.

4. The same rules as are applicable to witnesses under nos. 1 and 2 shall apply with respect to the duty of the parties to appear in person when specially ordered to do so.

#### § 22. Experts

Any person who is required to give evidence in the case shall be bound to serve as an expert on being appointed by the Court or the chairman to do so.

A person who has been appointed as an expert shall be entitled to remuneration for his work in conformity with the rules laid down in Section 81 of the Penal Procedure Code, and shall be entitled to the same travelling and subsistence allowances as experts in criminal cases.

The necessary money shall be paid out of the State Treasury.

Experts who have not been appointed as such may be granted the same remuneration by the Court, according to circumstances.

#### § 23. Publicity of the Proceedings

The proceedings shall be public, unless the Court decides to exclude the public. Proceedings shall be held in camera if they involve secrets of a business or association or other matters of which persons not concerned ought not to be informed.

The parts of books produced in Court which do not relate to the case may be sealed by the Court.

It shall be the duty of every person who has been present at proceedings in camera to observe secrecy respecting the matters dealt with, unless the Court authorises the publication thereof.

#### § 24. Court Records

The time and place of the sessions of the Court and the names of the judges, the clerk to the Court, the parties and their representatives, the witnesses and the experts, shall be entered in the Court records.

The documents produced in the Court shall be specified, and a summary of the proceedings shall be entered in the records. Claims and objections shall be entered in full or appended. All the decisions of the Court and agreements concluded between the parties shall also be recorded.

The Court may decide that minutes of the proceedings shall be taken in shorthand.

## § 25. Decisions of the Court

1. The decisions of the Court shall be adopted by a majority vote. Nevertheless, cf. Section 6, no. 2.

An award shall be given as soon as possible after the proceedings are closed. If more than one week elapses before an award is issued, the reason for this shall be stated in the award.

2. Clerical errors, arithmetical errors, omissions and other obvious mistakes may be corrected by the chairman on his own authority. He shall notify the parties of any correction without delay by registered letter.

If either of the parties is dissatisfied with the correction, he may require the matter to be laid before a plenary session of the Court. The request to this effect must reach the chairman not more than one week after the notice of the correction is received. The chairman shall submit the matter to the Court without delay.

3. If the award is incomplete or not clear, it may be corrected by a plenary session of the Court at the request of one of the parties after the views of the other party have been heard. The request to this effect must be sent in to the chairman not more than a fortnight after the award is issued.
4. The Court may alter decisions respecting procedure and other decisions in the absence of any established rights to prevent this.

## § 26. Appeals and Objections

1. Any award whereby the Labour Court dismisses a case from the Labour Court or from a county or town court, may be appealed to the Appeal Committee of the Supreme Court. The period of notice in respect of objections shall be one month.
2. Any person not being a party, may appeal against a decision requiring him to make a declaration or take an oath or give an undertaking, to produce documents or other evidence or grant access thereto, or to serve as an expert, or rendering him liable to pay a fine or costs. The parties may appeal against a decision rendering them liable to pay fine or costs under Sections 41 and 43.

Notice of appeal must be given at once if the person concerned is present in the Court, and otherwise not more than three days after the communication of the decision to him. If any person has appeared as a respondent or can be deemed to be respondent, he shall be notified of the appeal. The appeal shall effect a stay in respect of the appellant.

3. The chairman shall without delay transmit the notice of the appeal together with the necessary documents and extracts to the Appeal Committee of the Supreme Court.

The Court, the appellant and any other parties affected by the appeal shall be entitled to submit a statement in writing respecting the matter. If any facts are adduced which have not been mentioned previously, the statement shall be sent through the Court.

4. Awards of the Labour Court and decisions thereof other than those specified under nos. 1 and 2 shall be final, and may be enforced in conformity with the rules applicable to the decisions of the Supreme Court, but the award shall be annulled if the Supreme Court after the issue of the award gives a decision on an appeal under no. 1 above to the effect that the matter is not within the jurisdiction of the Labour Court. The period of notice in respect of such appeals shall be one month.

§ 26 a. (Repealed)

§ 26 b. Cases before County or Town Courts

1. The rules respecting the judicial proceedings before the Labour Court which are set forth in this Act, shall be applicable in respect of such cases as belong within the field of jurisdiction of the county or town courts in virtue of Section 7, nos. 3 and 4 of this Act, but the extent to which parties and witnesses are under obligation to appear in court in pursuance of Section 21, no. 1, subsection 1, shall be such as described by Section 199, no. 2 of the Act respecting Civil Disputes.
2. The court shall sit with two lay judges. One of them shall be an employer and the other shall be an employee. The lay judges shall be appointed by the chairman of the Court on proposals of the parties. Each of the proposals shall include three names. Those who are proposed must have declared their willingness to undertake the commission.

In the event of no recommendation having been received by the president of the Court within the time limit stipulated by him, he shall appoint the lay judges pursuant to the rules of Section 87, no. 2 and of Section 88 of the Act respecting Civil Courts.

Any person incompetent under Section 13, or being an official of an employers' association or of a trade union, or a salaried trustee of such association or trade union with the trustee position his chief occupation, shall not be appointed lay judge.

3. Objections concerning such matters as are mentioned in no. 1 of this Section shall be referred to the Labour Court. No limit of value shall apply in respect of the right to appeal. Appeals against awards dismissing such case from county or town courts also lie within the field of jurisdiction of the Labour Court.

The notice in respect of objections and appeals shall be one month.

4. In respect of objections lodged with the Labour Court,

the rules of the 25th Chapter of the Act respecting Judicial Proceedings in Civil Disputes shall be applicable with such alterations as are entailed by this Act. The notice mentioned in Section 365, no. 2, shall be 14 days.

In respect of appeals to the Labour Court, the rules of Section 399 of the Act respecting Judicial Proceedings in Civil Disputes shall be applicable.

Objections and appeals shall be dealt with by the Labour Court in pursuance of the rules applicable in respect of other labour dispute cases.

5. In respect of other appeals than those mentioned in no. 3 of this Section the rules of the 26th Chapter of the Act respecting Judicial Proceedings in Civil Disputes shall be applicable.

### CHAPTER III. CONCILIATION

#### § 27. Conciliators

The King shall appoint a permanent mediator for the whole of the Realm (the State mediator) and one or more permanent mediator for individual districts (district mediator). They shall be appointed for a period of three years. The mediation districts shall be determined by the King.

Furthermore the Ministry concerned may, upon recommendation by the State mediator, appoint special mediators in respect of individual cases or in respect of such cases as may be determined by the State mediator for a limited period.

The mediator shall have to answer to the conditions of Section 10, no. 3, subsection 1.

The State mediator is the superior of the district and other mediators. The details of their business relations shall be determined by instructions to be issued by the King.

#### § 27 a. Jurisdiction of the Mediators

1. The State mediator shall attentively watch conditions of employment throughout the country. The district mediator shall do the same, each within his district. The district mediators shall notify the State mediator of any conditions which appear to them likely to disturb industrial peace within their respective districts.
2. If the State mediator considers that failure to enter into negotiations respecting the regulation of conditions of employment in an undertaking or an industry may lead to a stoppage of work, he may require the parties to furnish information respecting the conditions of employment and the claims made. The parties shall be bound to supply such information in conformity with the rules laid down in no. 4 of Section 19.

If the State mediator considers it desirable, he may in-

stitute mediation proceedings in conformity with the rules laid down in this chapter even if notice to cease work has not been given.

The State mediator may cause a district mediator or a conciliator appointed in conformity with the second subsection of Section 27 to conduct the inquiries or conciliation proceedings specified above.

#### § 28. Notice to the Mediators

1. If notice to cease work is given in connection with a dispute covered by Section 6, no. 3, notice thereof shall be sent at once to the State mediator.
2. The notice shall be sent by telegram or registered letter, and shall contain the following particulars, viz. the subject of the dispute, the undertakings affected by the notice to cease work, the number of employees in each of the undertakings concerned, the date when the notice expires, and whether negotiations between the parties have begun, are still in progress or have been broken off.

If negotiations are in progress, notice of any subsequent breaking off of negotiations shall be given in the same manner by the person who sent the first notice.

The notice shall be sent by the trade union, employer or employers' association that gave the notice to cease work. If the party concerned is a member of the Norwegian Federation of Trade Unions, the Norwegian Employers' Association or other organizations mentioned in Section 11, the notices shall be sent through the boards of such organizations to the Chief State mediator.

A copy of every notice shall be sent at the same time to the other party.

3. Every notice relating to an undertaking in Spitzbergen (Svalbard) shall be sent to the State mediator by telegram. If a notice is sent through any of the central organizations of the parties, it shall be transmitted without delay to the State mediator by the most rapid means of communication.

#### § 29. Rules Respecting Stoppages of Work

1. A strike or lockout shall not be started before the expiry of the period of the notice, and not in any case until four working days have elapsed since the date when the notice that negotiations had not been begun or that they had been broken off or that the notice to cease work had been extended, was received by the State mediator.

To obtain a wage agreement for its members at an enterprise a trade union which has the right of nomination according to § 11 may terminate labour agreements which have been entered into for certain periods of time. There must be 28 days' notice of the termination, and at least 50 per cent of the employees in the category or

categories for which a wage agreement is being sought must be members of the union. Such notice to cease work may, however, not take place if the wage agreement being requested contains wage and working conditions which differ substantially from those which apply to corresponding workers at enterprises of the same or a similar kind according to wage agreements already in existence.

With the consent of the Labour Court, cessation of work as mentioned in the second paragraph may take place although the condition concerning the percentage of union membership is not fulfilled, if there is reason to suppose that the enterprise is seeking to prevent the percentage from reaching 50.

Notice of termination of a working agreement as mentioned in the second paragraph must satisfy the requirements in § 20.

The Labour Court shall decide on any dispute as to whether the conditions for the termination of a working agreement according to the second and third paragraph of this section are fulfilled.

2. As soon as the State mediator has received notice that negotiations have not been opened or that they have been broken off, or as soon as he becomes aware in any other manner of the breaking off of negotiations, he shall prohibit the stoppage of work until mediation proceedings in conformity with this chapter have been completed if he considers that a stoppage of work will prejudice public interests in view either of the nature of the undertaking or of the extent of the dispute.
3. If the notice to cease work is extended, he shall prohibit the intended stoppage of work under the same conditions.

The prohibition shall be communicated by telegram or registered letter to the trade union, employer, employers' association or central organization which reported or should have reported the notice to cease work, and shall at the same time be communicated to the other party.

A prohibition shall not be binding unless it is communicated within two days after the State mediator receives the notice informing him that negotiations have not been begun or have been broken off or that the notice to cease work has been extended.

If mediation has been attempted in conformity with no. 2 of Section 27 a, the prohibition of a stoppage of work may be omitted.

#### § 30. Incompetence of Conciliators and Their Inability to Attend

The rules laid down in Section 13 respecting incompetence shall also apply to the conciliators.

If the State mediator considers that he is incompetent or



if he is unable to attend or is engaged in mediation proceedings in another case, he shall inform the competent Ministry thereof without delay. If the Ministry agrees that he ought not to deal with the dispute, it shall transfer the matter to a district mediator or a person specially appointed to deal with the case.

If a district mediator is in any position specified in the second subsection, he shall inform the State mediator without delay. The latter may either undertake the case himself or transfer it to another district mediator or a person appointed by the competent Ministry to deal with the case.

### § 31. Preliminaries to Mediation

1. If the State mediator has prohibited a stoppage of work in pursuance of Section 29, he shall institute mediation proceedings without delay. Nevertheless, the State mediator may depute a district mediator or a mediator appointed for the individual case to institute proceedings. He may himself undertake mediation proceedings in cases which are within the jurisdiction of a district conciliator.
2. Even if a stoppage of work is not prohibited, the State mediator or a district mediator may institute mediation proceedings in the dispute either ex officio or at the request of one of the parties.
3. The mediator shall fix the time and place for the proceedings in the dispute. The session may take place outside the mediation district.

He shall summon the parties in whatever manner he thinks fit.

In other respects the rules laid down in Section 18, no. 7, shall apply where necessary with respect to the summoning of witnesses and other persons whose evidence may be of importance and with respect to the preliminary arrangements for the production of evidence.

### § 32. Mediator's Oath

A person shall not serve as a mediator or a member of a mediation board until he has taken an oath as prescribed in Section 16.

### § 33. (Repealed)

### § 34. Representation of the Parties

The rules laid down in Section 17 respecting the representation of the parties shall also apply to mediation proceedings. Nevertheless, practising barristers and solicitors shall not be employed as authorized representatives without the consent of the mediator.

§ 35. Mediation Proceedings and Mediation Proposals, etc.

1. The mediator shall collect all the information necessary for the settlement of the dispute promptly and carefully in such manner and form as he may himself choose, and shall endeavour to the best of his ability to induce the parties to agree to a reasonable compromise.

He may collect the information necessary for the settlement and decision of the dispute even if one or both parties fail to appear.

For the purpose of his investigations the mediator shall have the powers specified in Section 19. Nevertheless, he shall not have power to require witnesses and experts to take the oath. The rules laid down in Sections 21 and 22 shall also apply to mediation proceedings.

If a compromise is reached, a collective agreement in conformity therewith shall be drawn up with the cooperation of the mediator and shall be signed by the parties or their representatives.

2. The mediation proceedings shall be held in camera. A record shall be kept in conformity with the rules laid down in Section 24.
3. If the mediator has submitted a mediation proposal, it shall not be published without his consent.
4. Before a vote is taken with respect to a mediation proposal, the parties shall ensure that all persons entitled to vote are given facilities for acquainting themselves with the full text of the mediation proposal.
5. The voting shall apply exclusively to the mediation proposal as submitted by the mediator. The vote shall be taken by ballot and in writing, and the votes shall be recorded in the form of a simple aye or no.
6. When the result of the ballot is available, the parties shall without delay inform the mediator in writing whether the proposal has been accepted or rejected. If it is rejected, the notice shall specify the number of votes for and against the proposal and the number of persons entitled to vote.
7. If the mediator considers that disputes occurring in various trades can only be settled in conjunction with one another, he may direct that the mediation proposal for those trades shall be considered as forming a whole, so that the decision respecting the acceptance of the proposals shall be based on the total number of votes and persons entitled to vote in the trades which are taken together in this manner. The mediator shall consult the national organizations before he takes a decision in the matter.
8. Nothing shall be published respecting the results of the ballot until the mediator has published the general result.

9. In the case of a ballot which concerns seamen in the foreign trade, the rules laid down in nos. 4 and 5 may be applied by agreement between the Norwegian Ship-owners' Association and the Norwegian Seamen's Federation, or if such is not concluded, in conformity with further provisions to be issued by the State mediator.

#### § 36. Termination of Mediation Proceedings

1. If ten days have elapsed since the prohibition (or the first prohibition) of a stoppage of work was issued, either of the parties may demand that the mediation proceedings be terminated, unless the party in question has failed to appear or in some other manner has failed to cooperate duly in the mediation proceedings.

The mediation proceedings shall be terminated not more than four days after the sending in of a lawful application for the termination thereof. If the mediation authority has submitted a definitive proposal to the parties for the settlement of the dispute, the proposal shall be entered in the records.

2. In case of failure to reach a compromise, the State mediator or the district mediator who has conducted the proceedings may issue a report on the case in whatever manner he thinks fit.

If a mediator has conducted the proceedings, he shall as soon as possible send a report on the case to the State mediator. This report shall contain the definitive conciliation proposal if such proposal was made.

#### § 37. Subsequent Acceptance of a Mediation Proposal

If one of the parties after the termination of the proceedings wishes to accept a proposal made by the mediation authority for the settlement of the dispute, a declaration to this effect may be sent to the permanent mediator, who shall send a copy of the declaration to the other party. If the latter also approves the proposal, the permanent mediator shall call a meeting of the parties for the purpose of drawing up a collective agreement.

#### § 38. Re-opening of Proceedings

After the termination of the mediation proceedings the parties may make a joint application for their re-opening.

If one month has elapsed since the termination of the mediation proceedings and the dispute has not yet been settled nor fresh mediation proceedings begun, the mediator who dealt with the case shall call upon the parties to open fresh negotiations.

In addition, the State mediator and the other mediators may so call upon the parties at any time.

### § 39. Objections

An appeal may be lodged against decisions as specified in Section 26, no. 2, in conformity with the rules therein laid down.

Other decisions of a mediator shall be final, and may be enforced in conformity with the rules applicable to the decisions of the Supreme Court.

## CHAPTER IV. PENAL PROVISIONS

### § 40. Repealed.

### § 41. Contempt of Court

1. If any person during a session of the Labour Court insults the Court or any person attending in the Court, or disturbs the session or injures the dignity of the Court or fails to comply with any order of the Court or the chairman, he may be expelled and a fine may be imposed by an interlocutory decision.

A fine may likewise be imposed by an interlocutory decision upon any person who writes any unseemly or insulting observations in a judicial document.

2. The provisions under no. 1 shall also apply to proceedings before the conciliation authorities.
3. Any person punished under this Section may in addition be prosecuted for his offence in the ordinary manner. Nevertheless, the fines already imposed shall be taken into consideration in assessing the penalty.

### § 42. Breach of the Obligation to Observe Secrecy, etc.

Any person who fails to observe secrecy as provided in Section 23 (cf. Section 35, no. 2) shall be liable to a fine. Any person who is guilty of a contravention of the provisions of Section 35, no. 3, 4, 5, 6 or 8, shall be punished in the same manner.

### § 43. Failure to Appear, etc.

1. If a witness or any other person who has been specially summoned to attend in person fails without sufficient reason to appear, or fails to give due notice of his being unable to appear, or leaves the Court without permission before the end of the proceedings, he may be fined by an interlocutory decision and required to repay all or part of the expenses incurred on his account.

If he again fails to appear after being again summoned or convened to attend the session, he may again be fined and required to repay expenses.

If an expert refuses without sufficient reason to undertake his office, or neglects his duties, or if any per-

son must be expelled because he attends in a state of intoxication, the same rules shall apply as in case of failure without sufficient reason to appear.

2. If any person refuses without sufficient reason to make a declaration or to take an oath or give an undertaking, he may be fined by an interlocutory decision and required to repay all or part of the expenses incurred on account of his refusal. The said penalty and liability for expenses shall not be imposed upon him more than twice in the same case.
3. If any person fails to comply with an order to produce a document or to display, submit or give access to other things or to inspect and make extracts from a document, etc., he shall be deemed to have refused to make a declaration.

#### § 44. Liability for Objections

The appeal committee of the Supreme Court may impose fines and costs on any person who makes an appeal which is obviously without foundation.

### CHAPTER V. FINAL PROVISIONS

#### § 45. Cost of Proceedings

1. No payments shall be made in respect of a case dealt with by the Labour Court or by the mediation authorities.

Treasury expenses incurred through judicial proceedings by virtue of this Act shall be refunded in whole or in part by one of the parties or by the parties jointly if such decisions shall have been made by the court.

2. Costs incurred through judicial proceedings in pursuance of this Act may be allowed one of the parties by payment by the other party in pursuance of the rules respecting costs in ordinary civil judicial proceedings. However, either party shall, in default of any other agreement, pay such own expenses as are incurred through conciliation procedure.

#### § 46. Salaries, etc.-

1. The salaries and fees of the members of the Labour Court, the State mediator and the other mediators shall be paid by the State Treasury. Office expenses and the cost of premises and clerical work during the sessions shall also be paid by the State Treasury.
2. The chairman of the labour Court and the State mediator shall have a fixed annual salary.

The district conciliators shall receive a fixed annual salary and a fee fixed by the competent Ministry for each individual case.

The remaining members of the labour Court and the spe-

cial mediators appointed for the individual cases shall be entitled to a fee for every case, paid by the Ministry concerned. The members of the Labour Court may also be granted a fixed salary. Remunerations to lay judges in cases dealt with by county or town courts in pursuance of this Act, shall be stipulated in accordance with Section 91 of the Act respecting Official Fees.

3. When travelling, the members of the Labour court and the mediators shall be entitled to travelling and subsistence allowances in conformity with Act no. 1 of 25th June, 1926.

The president of the court and the lay judges in county or town courts in session pursuant to this Act, shall receive such remuneration in respect of food and travelling expenses as are otherwise paid in respect of similar cases.

4. The Crown shall issue the necessary regulations for the organization of the clerk's office for the Labour Court.

§ 47. Coming into Operation of the Act.

1. This Act shall come into operation forthwith. At the same time the Act of 6th August, 1915, respecting industrial disputes shall be repealed.