

Help, I've been dismissed!

Firstly, it is important to state that the enterprise must consult with the employee representatives to find solutions whereby dismissal can be avoided before anyone is dismissed (Basic Agreement Section 9-4). Therefore, it is wise to always be in close contact with your employee representative(s) in connection with dismissals. Enterprises may fail to consult with the employee representatives first – if so, it is important to contact them, so that they are aware of what is happening!

NB! There are separate rules concerning collective redundancies (dismissal of 10 or more employees). Contact your employee representative.

NB! This is a 'light' version of the rules regarding dismissals. For complete information, including all exceptions, you will have to read the Working Environment Act and the Basic Agreement, or see below the heading 'For tillitsvalgte' ('For Employee Representatives') at www.fellesforbundet.no

1. Before you receive a notice of dismissal, you must be summoned to a meeting. The notice for the meeting must state that the meeting may have consequences for your future in the enterprise (or to that effect). The Working Environment Act states that such a meeting must be held. At this meeting, you must learn whether it is possible to avoid dismissal and, if so, whether you are the person who should be dismissed. **You are allowed to bring an advisor to the meeting. We recommend that you bring an employee representative. You may also choose to bring another person you trust** (Working Environment Act Section 15-1). Minutes must be taken for the meeting. Make sure that your objections and opinions are included!
2. Should you nevertheless receive a notice of dismissal, it must include information regarding the following (Working Environment Act Section 15-4):
 - the right to demand negotiations and to institute legal proceedings
 - the time limits applicable for requesting negotiations and instituting legal proceedings
 - the name of the employer and the appropriate defendant in the event of legal proceedings
 - the right to remain in the post while negotiations or legal proceedings are ongoing
 - preferential right to re-hiring if the dismissal is due to downsizing or other matters in the enterprise**A notice of dismissal must always be issued in writing and must be delivered in person or sent as registered mail.**
3. If you believe the dismissal was unfair, or otherwise incorrect, you have the right to demand negotiations (Working Environment Act Section 17-3). **This must be done no later than two weeks after the notice of dismissal was received.** Both parties may bring an advisor to the negotiations, e.g. an employee representative or someone from your local division of Fellesforbundet (United Federation of Trade Unions). Regardless, it is wise to contact your local division in case of dismissals. Minutes must be taken of the meeting which must be signed by both parties. **We advise against signing anything you are uncertain about or disagree with. This may prevent the case from moving forward later.**
4. If you are unable to reach an agreement during the negotiations, you have the right to institute legal proceedings. Legal proceedings must be instituted within 8 weeks. **Do not use your own lawyer.** If you have hired your own lawyer for the case, Fellesforbundet / LO (Norwegian Confederation of Trade Unions) will not take the case at a later date. Therefore, you should contact your division of Fellesforbundet as soon as possible. We will always assess whether it is possible for your case to succeed in court. Fellesforbundet generally only



Fellesforbundet

takes cases we believe have some chance of succeeding. When Fellesforbundet takes a case, this is free of charge for you, as a member –whether you win or lose.

In cases concerning collective redundancies, a settlement is often agreed with the enterprise. Legal proceedings entail a considerable burden on all parties.

Notice of dismissal during layoffs (Basic Agreement Section 7-6)

Employees who are laid off will still be attached to the enterprise and have the right and duty to resume work there provided their employment has not been formally terminated and they have not resigned. If you are terminated during the lay-off period, you must continue to work for the enterprise during the period of notice. Employees who have not been dismissed during the lay-off period and who are not taken on again afterwards, are entitled to pay for the period of notice. The same requirements apply regarding just cause and contents of the notice of dismissal during lay-off, as described above.

If you resign after having been laid off for at least three months, you may resign without having to work for the enterprise during the period of notice.