Regulations of 25 April 2002 No. 424 on treatment of disputes on Norwegian ships

Legal basis: Laid down by the Norwegian Maritime Authority on 25 April 2002 under the Act of 21 June 2013 No. 102 relating to employment protection etc. for employees on board ships (Ship Labour Act) section 6-1 item 6, cf. section 5-14 item 2 and section 6-5 item 3, cf. Formal Delegation of 3 July 2013 No. 974.
Amendments: Amended by Regulations of 8 November 2007 No. 1231, 19 August 2013 No. 1012, 15 November 2024 No. 2900.

Chapter 1
Settlement of disputes in dismissal and summary dismissal cases

Section 1
Scope of application

This chapter concerns the settlement of disputes in the case of summary dismissal pursuant to section 5-14 of the Ship Labour Act and dismissal pursuant to section 5-6, cf. sections 5-7 and 5-8, of the Ship Labour Act, unless otherwise decided in a collective bargaining agreement.

Amended by Regulation of 19 August 2013 No. 1012 (in force on 20 August 2013).

Section 2
Demand for negotiations

The demand for negotiations as referred to in section 6-1(1) of the Ship Labour Act shall be presented in writing, without unwarranted delay, and at the latest within 14 days.

Amended by Regulation of 19 August 2013 No. 1012 (in force on 20 August 2013).

Section 3
Demand for negotiations by the employee

If a demand for negotiations has been made, the company or master shall ensure that negotiations are held as soon as possible and at the latest within 14 days of receiving the demand. If the master has received the demand on behalf of the company, the time-limit shall be reckoned from this date.

If special grounds exist and the parties so agree, the 14-day time-limit may be extended.

Section 4
Demand for negotiations by the company

A demand for negotiations by the company shall be made within 14 days of receiving the notification that action has been brought. The demand shall be forwarded by registered mail to the address stated by the employee. If a summons has been issued and the employee is engaging the services of counsel, the demand shall be addressed to the counsel. The company shall simultaneously notify the court that negotiations will be held.

The company shall ensure that the negotiations meeting is held as soon as possible and at the latest within three weeks of the dispatch of the demand to the employee, unless the parties agree to a longer time limit.

Section 5
Negotiations venue

The negotiations shall normally be held on board or at the company's office ashore, unless the parties agree otherwise.

For employees resident abroad, the negotiations shall be held on board or at a Norwegian foreign service mission, unless the parties agree to choose an alternative venue for the proceedings. If the negotiations cannot be held on board, they shall as far as possible be held at a Norwegian foreign service mission at the place of leaving service. If it is impossible to carry out the negotiations in accordance with the first and second sentences, they can be held at a Norwegian foreign service mission at the place of residence or fixed address of the employee.

Section 6

Negotiations at a Norwegian foreign service mission

If the proceedings are held at a Norwegian foreign service mission, a foreign service official shall preside over and conduct the negotiations in accordance with the provisions of these Regulations.

If necessary, the time-limits in section 3 first paragraph and section 4 second paragraph may be extended, but not beyond six weeks from the presentation of the demand for negotiations, unless the parties agree to a longer time limit.

Amended by Regulation of 15 November 2024 No. 2900.

Section 7

Conclusion of negotiations

The negotiations shall have been concluded at the latest 14 days after the date when the first negotiations meeting was held, unless the parties agree to continue the negotiations.

Section 8

Minutes

The minutes of the negotiations shall be prepared and shall be signed by the parties and their advisors. Even if agreement is not reached, the minutes shall state that negotiations have been held, giving the starting and conclusion dates. Each of the parties shall have a certified transcript or copy of the minutes. The Norwegian Maritime Authority may stipulate a minutes form.

If the dispute is not settled through negotiations and legal action is brought, a certified transcript or copy of the minutes shall be enclosed with the summons.

Section 9

Advisor

The employee is entitled to secure the assistance of an elected delegate or other advisor during the negotiations.

In the same way, the company may secure the service of an advisor.

Section 10

Defrayment of costs

If the negotiations are not held on board while the seafarer is in service, the seafarer shall be entitled to have necessary expenditure for travel and accommodation in connection with the proceedings defrayed by the company. The seafarer shall ensure that the expenditure is kept at a reasonable level. Expenses for an advisor are not covered under this provision.

Amended by Regulation of 15 November 2024 No. 2900.

Chapter 2
Foreign service official’s treatment of disputes between the master or the company and the crew

Amended by Regulation of 15 November 2024 No. 2900.

Section 11

Scope of application

This chapter applies to a foreign service official’s treatment of disputes between the master or the company and the crew in cases under section 6-5 of the Ship Labour Act.

Cases concerning summary dismissal pursuant to section 5-14 of the Ship Labour Act and dismissal pursuant to section 5-6, cf. sections 5-7 and 5-8, of the Ship Labour Act, shall be dealt with in accordance with section 12.

Amended by Regulations of 19 August 2013 No. 1012 (in force on 20 August 2013), 15 November 2024 No. 2900.

Section 12

Cases concerning dismissal and summary dismissal

In cases referred to in section 11 second paragraph, the foreign service official shall not reach a substantive decision. In such cases, the foreign service official shall only prepare and preside over the proceedings in accordance with the provisions of chapter 1, and in accordance with section 13 first and second paragraphs, section 15 and section 21 last paragraph.

Amended by Regulation of 15 November 2024 No. 2900.

Section 13

Disqualification, decision on the question of qualification and the effect of disqualification

The foreign service official is not qualified to deal with the case if they are related to or brother- or sister-in-law of one of the parties in lineal ascent or descent or collaterally as closely as brother or sister of one of the parties, or when special circumstances are present which may impair confidence in the official's impartiality.

It is the foreign service official's own decision whether they are disqualified, and the official shall inform the parties when in such a position.

Even though the foreign service official is disqualified, they may decide the case if the parties so agree. Otherwise, when required by the circumstances and if it can be arranged without undue expense, the foreign service official shall request a superior foreign service mission to send a substitute. If such a substitute is unobtainable, it is nevertheless the duty of the foreign service official to decide the case if it concerns an employee's demand for an immediate termination of service on board a particular vessel. The foreign service official shall also be obliged to decide a case which has to be decided on the spot for other reasons.

If the case is not decided in accordance with the preceding paragraph and the parties do not agree to a postponement until the vessel arrives at a port where the foreign service official is able to make a decision, the disqualified foreign service official, pursuant to the provisions in section 23, shall make a written presentation of the case signed by the official and the parties. This presentation, together with any written evidence, signed statements by witnesses and disputed amounts, shall be forwarded to the superior foreign service mission for further consideration and decision.

Amended by Regulation of 15 November 2024 No. 2900.

Section 14

Preparation for proceedings, obligatory attendance of the parties, and mediation

The foreign service official shall deal with the case as soon as an oral or written request is received from one of the parties, or when it is evident on termination of the employment relationship that there is a dispute between them.

Proceedings in the case shall, whenever possible, take place at a meeting. Otherwise, the foreign service official shall summon the parties, together with witnesses and experts, if any, in the manner they consider most practicable.

If possible, the parties shall appear personally. Only a member of the vessel's crew shall be used as a proxy.

The foreign service official shall always endeavour to arrange conciliation, if possible. If conciliation is reached, the foreign service official should see to it that the agreement is written down and signed by the parties.

Amended by Regulation of 15 November 2024 No. 2900.

Section 15

Cumulation of cases

Cases concerning several members of the vessel's crew may be dealt with jointly if the foreign service official considers this practicable.

Amended by Regulation of 15 November 2024 No. 2900.

Section 16

Administration of proceedings

The foreign service official shall preside over the proceedings and decide who is to appear at the various stages in the proceedings. If practicable, the parties are always entitled to be present unless they are ordered out in accordance with the provisions in the fourth paragraph. No one shall speak without the consent of the foreign service official.

The foreign service official determines the order of proceedings. The question of the foreign service official's qualification to deal with the matter should, as a rule, be decided separately before the proceedings continue.

The foreign service official may deny an unauthorized person admittance to the proceedings. The elected representative of the organization concerned and the company's representative have the right to be present, unless the foreign service official has denied them attendance in accordance with the provisions in the fourth paragraph.

The foreign service official shall see to it that the proceedings are conducted in good order and with dignity. The official may reprimand any person who disturbs the proceedings. When a party or proxy has been reprimanded, the foreign service official may decide to prohibit such person from speaking if the improper behaviour continues. Any person, who after being reprimanded, continues to behave improperly, may be ordered out. The decision to prohibit a person from speaking or order a person out should be recorded.

Amended by Regulation of 15 November 2024 No. 2900.

Section 17

Obligatory attendance, etc. of witnesses

To the extent practicable, it is the duty of witnesses belonging to the vessel's crew to appear and give evidence. Any person may, however, refuse to answer questions when it may be presupposed that the answer will expose them or a spouse or relatives in lineal ascent or descent, siblings, or any person who is equally close through marriage, to punishment or loss of general esteem, or if such person is unable to answer without revealing a business or industrial secret.

Before taking evidence from the witnesses, the foreign service official shall urge them to tell the plain and whole truth and not to conceal anything, and warn them of the penalty they may incur if they depart from the truth.

Amended by Regulation of 15 November 2024 No. 2900.

Section 18

Experts

At the request of one of the parties, or if it is relevant for establishing the facts of the case, the foreign service official may appoint one or more experts.

Experts should preferably be chosen from among the vessel's crew or Norwegians domiciled locally and who are experts in the relevant field. After being appointed by the foreign service official, it is the duty of any person belonging to the vessel's crew to serve as an expert.

No person may, without the consent of the parties, serve as an expert if they hold a position as mentioned in section 13, first paragraph.

Before examining experts, the foreign service official shall urge them to do their duty conscientiously and to the best of their ability.

Amended by Regulation of 15 November 2024 No. 2900.

Section 19

Documents, examinations, etc.

The maritime documents of the vessel and crew should be examined by the foreign service official if they are relevant to the case.

The foreign service official may also examine objects and documents submitted for their consideration. The official may obtain a written statement from the protection and environment committee or carry out an inspection of the vessel.

Amended by Regulation of 15 November 2024 No. 2900.

Section 20

Procedure and the right of the parties to submit a written statement

Proceedings should begin with the foreign service official asking first the party who has brought the case forward, and thereafter the other party, to present the case and at the same time provide grounds for their claims and comment on the other party's claims. Thereupon, the calling of evidence shall take place. If several of the vessel's crew make claims which are similar, they may elect one person to present the case on behalf of them all. Before a party makes a statement or gives evidence, the foreign service official shall warn the party of the penalty which may be incurred in the event of a false statement.

The foreign service official may not depart from the claims made by the parties.

Proceedings shall be oral. The foreign service official may, however, permit a party to present a written statement. Such a statement shall be read aloud during the proceedings, and the other party shall be accorded the opportunity to comment on it.

Amended by Regulation of 15 November 2024 No. 2900.

Section 21

Examination, etc. and language and interpreter

The foreign service official shall individually examine the parties, witnesses and experts. If a person wishes to ask a question, it must be done through the official. The witnesses must not hear the statements of other persons unless the witnesses have already made their statements. Persons being examined shall be urged to make their statements as coherent as possible. Thereafter, individual questions may be asked. No oath or solemn affirmation shall be administered.

The foreign service official shall, through questions and other communications with the parties, ensure that their statements are as clear and complete as possible, and shall provide guidance to prevent or correct mistakes or misunderstandings. The parties are entitled to review all documents presented and comment on them.

Examination and recording shall take place in the language that the foreign service official considers appropriate. The foreign service official shall endeavour to make the proceedings understandable to all parties, witnesses and other persons concerned. If necessary, the foreign service official shall summon an interpreter.

Amended by Regulation of 15 November 2024 No. 2900.

Section 22

Failure of parties to attend

If a party fails to attend the proceedings, and the case cannot be postponed until that party appears, the foreign service official shall nevertheless deal with the case if they are provided with sufficient relevant information to make a justifiable decision.

Amended by Regulation of 15 November 2024 No. 2900.

Section 23

Decision

If the foreign service official finds it necessary, they may, even after the proceedings have concluded, carry out any investigations required to ensure a correct decision.

The foreign service official shall make a decision as soon as they consider the case sufficiently clarified.

The decision shall include:

a) the parties' occupation, name and birth number or date of birth;
b) a short presentation of the issue of the case with the parties' claims;
c) grounds for the decision; and
d) conclusion.

If the foreign service official considers the case to be of minor significance, the decision may be limited to the elements mentioned above under the third paragraph subparagraphs a, b and d.

If the case concerns wages due, the decision should also indicate the amount of any applicable tax.

Amended by Regulation of 15 November 2024 No. 2900.

Section 24

Recording

The foreign service official shall keep a record of the proceedings. The record shall include:

a) the foreign service mission, time and place of proceedings, name of the foreign service official, the vessel's name and port of registry, and the name and occupation of the parties;
b) whether the parties attended personally, and who, if anyone, appeared for them, name and occupation of the witnesses and experts who have appeared, and the documents and evidence presented;
c) all claims and admissions of the parties;
d) the decision of the foreign service official; and
e) any conciliation reached by the parties.

If the foreign service official considers the case to be of minor significance, the entry may be limited to what the official deems necessary, provided that the details mentioned in the first paragraph, subparagraphs a, d and e are always included.

The foreign service official shall sign the record, which shall be dated. Further provisions regarding the format and arrangement of the records may be issued by the Norwegian Maritime Authority.

Amended by Regulation of 15 November 2024 No. 2900.

Section 25

Announcement to the parties

The foreign service official shall read the record, including the official's decision, to the parties whenever possible. At the same time, the official shall inform the parties:

a) that the foreign service official's decision has immediate effect, unless the decision itself provides otherwise;
b) that the decision may only be challenged before a Norwegian court and binds the parties until it is, if applicable, amended by a final judgment of a court in Norway; and
c) of the applicable time-limits under the Ship Labour Act if a party wishes to bring the case before a court in Norway, cf. section 6-5(2) of the Ship Labour Act. Furthermore, the parties shall have the possibility to request a retrial under sections 16-12 to 16-14 of the Act of 17 June 2005 No. 90 relating to disputes.

The foreign service official shall provide the parties with a copy of the record including the addenda referred to in the first paragraph, subparagraphs a, b, and c, or ensure that a copy is sent to them securely.

Amended by Regulations of 8 November 2007 No. 1231 (in force on 1 January 2008), 19 August 2013 No. 1012 (in force on 20 August 2013), 15 November 2024 No. 2900.

Section 26

Report

The foreign service official shall send a transcript of the record, including the decision, to the Norwegian Maritime Authority.

Amended by Regulation of 19 August 2013 No. 1012 (in force on 20 August 2013), 15 November 2024 No. 2900.

Section 27

Entry into force

These Regulations enter into force on 1 July 2002.

From the same date, the following regulations are repealed: Regulations of 3 February 1986 No. 242 concerning the foreign service official's treatment of disputes between the master or shipping company and crew; and Regulations of 3 February 1986 No. 236 concerning the settlement of disputes in dismissal and notice of termination cases.

Amended by Regulation of 19 August 2013 No. 1012 (in force on 20 August 2013, previously section 28), 15 November 2024 No. 2900.