

Regulations of 6 October 2008 concerning partial general application of the Engineering Industry Agreement in the maritime construction industry

Issued by the Tariff Board pursuant to § 3 of the Act of 4 June 1993 No. 58 relating to general application of wage agreements, etc.

Chapter I. Introductory provisions

§ 1. The basis for general application

These regulations are laid down on the basis of the Engineering Industry Agreement 2008–2010 between the Confederation of Norwegian Enterprise and the Federation of Norwegian Industries on the one side and the Norwegian Confederation of Trade Unions and the Norwegian United Federation of Trade Unions on the other side.

§ 2. Scope and the responsibility for implementation

These regulations shall apply to skilled and unskilled workers who perform production, assembly and installation work in the maritime construction industry.

By skilled worker is meant a worker who holds an officially approved trade or journeyman's certificate or similar qualifications that may be formally deemed equivalent to a trade or journeyman's certificate in the trade in which the employee works. By unskilled worker is meant an employee who holds no such trade or journeyman's certificate.

These regulations shall not apply to apprentices or persons taking part in labour market schemes.

The employer and any person who on the employer's behalf manages an undertaking performing work as referred to in the first subsection shall ensure that the provisions of these regulations are complied with.

Chapter II. Terms of wages and employment

§ 3. Provisions concerning wages

Employees who perform production, assembly and installation work in the maritime construction industry, cf. § 2, shall receive as a minimum the following hourly pay:

- a) NOK 126.67 to skilled workers
- b) NOK 120.90 to unskilled workers.

In the case of work requiring overnight stays away from home, with the exception of employees taken on at the work site, the following hourly supplement shall be paid:

- a) NOK 25.32 to skilled workers.
- b) NOK 24.18 to unskilled workers.

At workplaces using shift work, the following hourly supplement shall be paid:

- a) For work in a two-shift arrangement (36.5 hours a week):

First shift: until 14.00 hours on Saturday: no supplement

Second shift: NOK 13.99

For shift work after 14.00 hours on days before Sundays and public holidays: NOK 29.89

From 14.00 hours on Christmas Eve, New Year's Eve, and on the Saturdays before Easter Sunday and Whit Sunday: NOK 42.86

Every hour after 24.00 hours a supplement shall be paid corresponding to the supplement for the third shift.

b) For work in a three-shift arrangement (35.5 hours a week):

First shift: until 14.00 hours on Saturday: no supplement

Second shift: NOK 14.42

Third shift: NOK 21.46

For shift work after 14.00 hours on days before Sundays and public holidays: NOK 30.76

From 14.00 hours on Christmas Eve, New Year's Eve, and on the Saturdays before Easter Sunday and Whit Sunday: NOK 44.06.

c) For continuous three-shift work (33.6 hours a week):

First shift: until 14.00 hours on Saturday: no supplement

Second shift: NOK 15.28

Third shift: NOK 22.67

For shift work after 14.00 hours on days before Sundays and public holidays: NOK 32.48

From 14.00 hours on Christmas Eve, New Year's Eve, and on the Saturdays before Easter Sunday and Whit Sunday: NOK 46.56

The following table shall be used when converting from normal working hours, 37.5 hours a week, to deviating working hours:

from 37.5 hours – 36.5 hours: 2.74 %

from 37.5 hours – 35.5 hours: 5.63 %

from 37.5 hours – 33.6 hours: 11.61 %.

§ 4. *Wage adjustments within the duration of these regulations*

The wage rates laid down in § 3 shall be amended in accordance with new wage rates following from wage settlements, etc.

§ 5. *Working hours*

Normal working hours must not exceed 37.5 hours a week.

In connection with shift work, the following limits apply:

- two-shift arrangements: 36.5 hours a week on average
- three-shift arrangements: 35.5 hours a week on average
- continuous shift work: 33.6 hours a week on average

Other work schedules may be agreed in accordance with the provisions of chapter 10 of the Act of 17 June 2005 No. 62 relating to Working Environment, Working Hours and Employment Protection.

§ 6. *Overtime pay*

A supplement shall be paid for work exceeding normal working hours equal to 50 % of the hourly rate. For work exceeding normal working hours between 21.00 hours and 06.00 hours and on Sundays and public holidays, a supplement equal to 100 per cent of the hourly rate shall be paid.

§ 7. Travelling, board and lodging expenses

In the case of work requiring overnight stays away from home, the employer shall, according to further agreement, cover necessary travelling expenses on commencement and completion of the assignment and for a reasonable number of journeys home.

Before the employer posts the employee to an assignment away from home, an agreement shall be made concerning board and lodging arrangements. The employer shall as a main rule pay for board and lodging, but a fixed subsistence rate, payment as per account rendered or the like may be agreed.

§ 8. Requirements regarding rest rooms, canteens and living quarters

On commencement of a work assignment, the undertaking is obliged to provide ample rest rooms and canteens with satisfactory heating for use during breaks.

As regards living quarters, § 4 - 4 (4) of the Act of 17 June 2005 No. 62 relating to Working Environment, Working Hours and Employment Protection and provisions issued pursuant to § 4 - 4 (5) of the Act shall apply.

§ 9 Working clothes

The employer shall provide the necessary working clothes and protective footwear suitable for the time of year and the workplace.

Chapter III. Derogations from the Act, etc.

§ 10. Derogations from the Act

These regulations shall not apply if as a whole the employee is covered by more favourable terms of wages and employment pursuant to agreement or pursuant to the national law that otherwise applies to the employment.

§ 11. Terms of wages and employment in statutory provisions or regulations

Statutory provisions or other regulations that normally apply to employment relationships, shall also apply to employment relationships covered by these regulations, including e.g.:

- the Act of 17 June 2005 No. 62 relating to Working Environment, Working Hours and Employment Protection, etc.
- the Act of 29 April 1988 No. 21 relating to holidays and
- the Act of 26 April 1947 No. 1 relating to 1 and 17 May as public holidays.

These regulations shall apply within the limitations that follow from § 1-7 of the Act of 17 June 2005 No. 62 relating to Working Environment, Working Hours and Employment Protection, etc.

Chapter IV. Entry into force, etc.

§ 12. Entry into force and expiry

These regulations enter into force on 1 December 2008.

These regulations shall cease to apply one month after the Engineering Industry Agreement between the Norwegian Confederation of Trade Unions and the Confederation of Norwegian Enterprise 2008–2010 is replaced by a new collective agreement or if the Tariff Board makes a new decision concerning general application of the collective agreement.