

## 19. Norway

Kristin Alsos

Norway has a universal social insurance scheme administered by the Norwegian Labour and Welfare Administration. Membership of the scheme is the key to eligibility for rights and is based on residence or employment. As a rule all people who work in Norway have compulsory membership and the right to statutory benefits. The scheme is financed by contributions from employers, employees and the state. As the contributions of self-employed people are lower, they do not have the same statutory rights, unless they take out additional voluntary insurance.

### Box 1 Changes during the Covid-19 pandemic

Changes in social security during the Covid-19 pandemic are not related to third-country nationals as such, but depend on what category social security recipients belong to. For instance, benefits for employees that have been laid off have been increased and benefits to the self-employed and freelancers have been extended.

Table 1.19 Overview of the relationship between form of migration and entitlement to a particular social security service

Third-country-national categories	Social security categories					
	Health insurance	Pension contributions	Unemployment insurance	Basic security (social assistance)	Insurance against accidents at work	Child benefits
Posted workers	Depends on bilateral agreement with state of origin	Depends on bilateral agreement with state of origin	Depends on bilateral agreement with state of origin	Yes		Depends on bilateral agreement with state of origin
Intra-corporate transfers	Depends on bilateral agreement with state of origin	Depends on bilateral agreement with state of origin	Depends on bilateral agreement with state of origin	Yes		Depends on bilateral agreement with state of origin
Seasonal workers	Yes	Yes	If conditions of being a job-seeker are fulfilled*	Yes	Yes	Yes
Temporary agency workers	Yes	Yes	If conditions of being a job-seeker are fulfilled	Yes	Yes	Yes
High-level professionals	Yes	Yes	If conditions of being a job-seeker are fulfilled	Yes	Yes	Yes
Self-employed	Yes	Yes	No, unless voluntarily insured	Yes	No, unless voluntarily insured	Yes

Note: \* The condition is fulfilled if the person is ready to take up any work (paid in accordance with collective agreements or custom), anywhere in Norway, regardless of whether it is part-time or full-time, and ready to participate in labour market measures.

Source: Author's analysis, 2022.

## **Description of the Norwegian system**

### **1. Overview of social security rights of short-term third-country-national migrant workers**

The social security system is not directly linked to the legal grounds for granting a residence permit in Norway. Social security is regulated by the National Insurance Act of 28 February 1997 no. 19. The main rule is that anyone resident in Norway or who takes up work here is a member of the National Insurance Scheme (see Section 2.1 and 2.2). Third-country nationals working in Norway will therefore, as a starting point, be members from their first day of work. Special regulations apply to posted workers from countries with which there is a bilateral agreement (see below). If someone does not pay taxes in Norway, their stay is limited to a maximum of three months and they are covered by satisfactory benefits by the social security system of another country, their employer or insurance, they will not be covered by the Norwegian national insurance scheme.

If workers are not covered by the scheme, they will not have the right to medical assistance, pension rights, and compensation when not being able to work, including sick pay.

The right to social assistance is regulated by the 2009 Act on Social Services. The act covers all persons resident in Norway. Further rules are contained in the administrative regulations, which state that persons who are not Norwegian citizens and who do not have an abode are not entitled to individual services, with the exception of information, advice and guidance. If someone is unable to provide for their subsistence, however, they are entitled to financial benefits and assistance in finding temporary accommodation. Assistance is provided until the person in question can be expected to receive assistance from their home country. There are a number of exceptions. First, there might be international public agreements that state otherwise. Second, victims of human trafficking have special protection. Following from the Insurance Act section 8-3, these persons might be granted a limited right to residence, meaning that they also will be covered by social assistance. The third and final exception concerns people who have the right to stay while awaiting a decision on a residence application or complaint.

### **2. Differences in social security rights of different categories of short-term third-country-national migrant workers**

If there is an agreement between the sending state and Norway, special rules apply to posted workers. They may be exempted from the main rule if they provide documentation from the social security authorities in the country of origin that they are covered by the system there. Outside the EU/EEA, such agreements exist with the following countries: Australia, Bosnia and Hercegovina, Canada, Chile, India, Israel, Montenegro, Serbia, Switzerland and the United States. For workers posted from countries where no totalisation agreement exists, workers will be covered by the social security scheme.

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### 3. Conditions for obtaining different social security rights

In order to receive financial benefits under the National Insurance Act, it does not matter whether the person in question has a social or financial need to receive the benefit. If the individual situation is as described in the regulation, the person in question is entitled to receive the benefit. The level of benefit is based on the principle that the individual should be able to maintain a certain standard of living. Past income is therefore decisive. Several of the benefits in the National Insurance Act are related to loss of income due to illness. People with social problems fall outside the National Insurance Act, but may be entitled to financial social assistance in accordance with the rules of the Social Services Act.

### 4. Portability of benefits between the host country and the country of origin

Whether benefits are portable to the country of origin depends on the type of benefit and whether there exists a bilateral agreement between Norway and the country of origin. If a person is to live permanently in the country of origin, and there is no bilateral agreement, full portability will often depend on having lived in Norway for at least 20 years. If the period is shorter, only part of the benefit is portable. The main rule concerning sick pay is that it is not portable outside the EU/EEA area.

### 5. Social security rights of short-term third-country-national migrant workers during the Covid-19 pandemic

Skilled workers temporarily laid off were able to stay in Norway as long as their permit is valid. They may receive unemployment benefits from Norway. There has, however, been some discussion on whether these workers are entitled to unemployment benefit. One condition for receiving benefit is that the worker must be seeking a job, meaning that they should take any job anywhere in Norway if this is offered at a wage level equal to the one in the collective agreement covering this kind of work. As the permit is linked to a specific position or industry, the condition of being a job-seeker is not considered fulfilled.

### 6. Overview of enforcement and monitoring

The social security system is trust-based, and the Norwegian Labour and Welfare Administration (NAV) makes their decisions based on the information provided by the social security recipient. The recipient is obliged by law to provide correct information. Abuses may come to light in a number of ways, such as through case handling, cooperation with other authorities, register analyses and tip-offs.