

INFORMATION ON NEW REGULATIONS ON DRIVER WAGES IN NORWAY

The Norwegian Committee of labor tariffs (Tariffnemnda) has decided a regulation which implies that from 1st of July 2015 it will be mandatory to pay truck drivers driving vehicles over 3,5 tons total weight a minimum wage of NOK 158,32 (EUR 18,23 date 02.06 2015) per hour, in addition to diet money per planned overnight accommodation. The diet rate should be at a minimum the rate Norwegian authorities approves as tax free, for the time being NOK 307, - (EUR 35, 35). There shall be paid one third rate for each eight hours period.

The protocol and regulation can be found under the link:

<https://www.regjeringen.no/nb/dep/asd/org/nemnder-styrer-rad-og-utvalg/permanente-nemnder-rad-og-utvalg/tariffnemnda/vedtak/2015/protokoll-32015/id2413722/>

The regulation text is translated into English below.

For drivers (Norwegian or foreign) in Norwegian or foreign companies the regulation will not apply if the orderer of the transport domestic (cabotage) or border-crossing transport is established abroad. For drivers in companies of which the transport is ordered in Norway, the regulation will apply.

According to the regulation, the orderer of the transport is obliged to ensure that the regulation is followed by the transport provider. This is best done by informing the transport provider about the regulation in addition to the current rates for wages per hour and the diet rate.

In addition there is a common responsibility for minimum wages, holiday pay and diet rates which means that the transport orderer in some cases is obliged to pay if the transport provider breaches the minimum wage regulation. Yet the employer of the driver is committed by the regulation (obligated judicially), while the transport orderer has the obligation to ensure that regulations is followed.

The regulation does not apply when own cargo is transported, nor does it apply for apprentices or drivers supported by social security.

There will probably be cases where it is unclear whether the regulation will apply or not. Below some examples of transport assignments is described with an interpretation whether the regulation applies or not. In the examples we are using the expression "orderer" of the agreement partner of the transport. The orderer may both order and pay for the transport, but a transport orderer may order and agree that the payment should be done in Norway as well.

We have asked the Committee of labor tariffs for a quality assurance of our interpretation and will revert as soon as an answer is received.

Regulation not applicable:

1. Truck (Norwegian or foreign) arrives from abroad to a terminal, a warehouse or an import company and the consignment is delivered free of charge for the transport and the transport is ordered abroad.
2. Truck (Norwegian or foreign) loads in Norway and cross the border for unloading and the transport is ordered abroad.
3. Foreign truck arrives from abroad, unloads on terminal in Norway (international consignment), and loads for a new transport assignment to other destination I Norway (cabotage) and both assignments are ordered abroad.
4. Truck (Norwegian or foreign) arrives from abroad, unloads on terminal, loads groupage with many consignments from many Norwegian consignees for export, but the orderer of the transport is foreign.

Regulation will apply:

5. Truck (Norwegian or foreign) carrying cargo domestic or cabotage and the transport assignment is ordered in Norway.
6. Truck (Norwegian or foreign) carrying cargo cross border and the transport is ordered in Norway.