

# NITO's guidelines for legal assistance

Adopted by NITO's Executive Board on 13 January 2015

## 1. When can members receive legal assistance?

NITO provides legal assistance and guidance to its members in employee-employer conflicts over wage and working conditions.

Members in need of legal assistance should contact NITO's secretariat. Members may waive their entitlement to legal assistance from NITO at any time. Notification must be given in writing or be confirmed in writing by NITO.

The assistance is provided by NITO's lawyers/advisers. NITO's secretariat decides which lawyer/adviser shall provide assistance to a member. NITO may decide to place a matter with an external lawyer in special circumstances.

NITO provides assistance pursuant to Norwegian law and jurisdiction. NITO does not provide assistance in matters that come under the jurisdiction of foreign courts or foreign law.

## 2. Limitations

NITO does not take over cases that were *already handled* by external lawyers/advisers. NITO does not cover expenses incurred independently by members for assistance from lawyers or other advisers. NITO may decide to take over such cases in exceptional circumstances. In such cases, the member and previous lawyer/adviser shall confirm in writing that the case has been handed over to NITO.

NITO does not provide legal assistance to members who are simultaneously represented by another lawyer/adviser, and will discontinue providing assistance if a member simultaneously engages an external lawyer/adviser.

If a member waives his/her entitlement to legal assistance from one of NITO's lawyers, he/she will simultaneously lose his/her entitlement to future legal assistance from NITO in connection with the same case.

NITO may restrict the scope of legal assistance to specific aspects of a case/case circumstances in cases that require specialist legal or technical expertise.

## 3. Limitation periods for cases: Quarantine period

NITO provides no legal assistance in cases that arose (materialised) prior to the most recent date of membership registration or in cases that arise during the first three months of membership.

No legal assistance is provided to members who have terminated their membership in NITO.

**4. The member must not owe membership dues**

Legal assistance is not provided to NITO members who owe membership dues. Failure to pay membership dues will result in discontinuance of any assistance currently being provided.

**5. Exceptions**

In exceptional circumstances, NITO may, after closer review, expand assistance to include cases with direct relevance to the employment relationship or where a member does not satisfy the conditions for receiving legal assistance under sections 1 to 4 of these guidelines.

**6. Reversal of decisions and appeals against refusal of legal assistance**

Refusal of legal assistance pursuant to sections 1 to 5 of these guidelines may be appealed against. Members may, within one week from the date on which a refusal decision was made, request that NITO's refusal be reversed. Such requests shall be submitted to NITO's head of legal section.

Members may appeal against a reversal decision within one week of the date of the decision. Such appeals shall be submitted to the Secretary General of NITO.

Refusal decisions have suspensive effect and are upheld until a refusal decision is set aside.

**7. Scope of legal assistance**

NITO generally provides assistance from the time when the secretariat is contacted until a negotiation is settled.

In cases where no out-of-court settlement is reached, NITO's secretariat shall decide whether or not a case will be heard by a body in the court system, another dispute settlement body, or by an ombudsperson. Such decisions are made by the responsible lawyer after consultation with the head of legal section and the lead lawyer. The responsible lawyer will prepare a confirmation of assignment.

**8. Free legal assistance**

Legal assistance is generally provided free of charge to members. Members do not pay any fees for legal assistance or other expenses incurred by NITO on behalf of its members. If a member is ordered to pay the other party's legal costs in a case in which NITO has provided legal assistance, NITO will also cover legal costs. If NITO withdraws legal assistance for reasons specified in section 9, NITO will not pay the other party's accrued or future legal costs.

**9. Requirement to cooperate, and the consequences of failure to cooperate**

The member must provide all relevant facts of the case and contribute in the best possible way to ensure that the lawyer/adviser can make an overall assessment of the case. If a member fails to follow the advice and recommendations of NITO's lawyer/adviser, the lawyer/adviser may withdraw from the case. In such circumstances, NITO reserves the right to discontinue providing legal assistance and to withdraw from the case. The same applies if

a member provides incorrect or incomplete information about a case or if other exceptional circumstances prevail that impede cooperation between the member and the lawyer.

If legal assistance is discontinued on such grounds, the lawyer is obligated to take all necessary measures to prevent the member from suffering a loss of rights.

**10. Regulations for Advocates**

NITO's lawyers are subject to the rules laid down in the Regulations for Advocates (legge inn link), including the code of conduct for lawyers. Appeals may be filed against the performance of an assignment. More information on the appeals system is available on the Norwegian Bar Association's website [www.jus.no](http://www.jus.no).

**11. Duty of confidentiality**

NITO's lawyers are bound by a duty of confidentiality. NITO's lawyers reserve the right to discuss cases with each other in order to achieve the best possible outcome for its members.