

# Guidelines for legal assistance to individual members

Revised by Forskerforbundet's Executive Board on 12 December 2024

## Cases

§ 1 Forskerforbundet – The Norwegian Association of Researchers (NAR) – provides legal assistance in matters concerning its members' salary and employment terms, respective to their primary job.

The assistance shall safeguard the members' interests in their capacity as employees. Legal assistance is not provided to pensioner members. Student members are also not entitled to legal assistance.

§ 2 Forskerforbundet, through the general secretary, may extend the assistance provided to also cover matters indirectly associated with the employment relationship.

§ 3 Forskerforbundet does not provide legal assistance in matters that have arisen (actualized) before the date on which the individual became a member, and legal assistance is not provided in any case until after 3 months of membership (qualifying period). The provision covering the qualifying period does not apply to issues relating to temporary employment.

§ 4 Legal assistance is not provided if the member owes membership fees to Forskerforbundet. Should membership fees not be paid, any assistance already initiated will be terminated.

## Procedure

§ 5 As a rule, all cases and questions shall be presented to a local union representative before Forskerforbundet Head Office engages in the matter. Only in those cases where there is no local union representative or where the member has been unable to contact the local union representative, may the member contact Forskerforbundet Head Office direct.

- § 6** As far as possible, the Central Office will seek to assist the local union representative to achieve an acceptable solution, unless the immediate intervention of the Central Office is obviously needed.
- § 7** In consultation with the union representative, the Central Office will assess when its intervention in a case is expedient.
- § 8** Forskerforbundet does not provide legal assistance to members who are at the same time represented by another advisor/attorney. If Forskerforbundet is to assume responsibility for a case, the member must confirm in writing that the case has been turned over to Forskerforbundet.
- § 9** Forskerforbundet does not generally assume responsibility for cases that have been initiated by external advisors/attorneys. Forskerforbundet will not reimburse any expenses with respect to attorneys or other advisors which a member of Forskerforbundet incurs on his own account in connection with the case.
- § 10** In connection with cases relating to termination of employment or other personnel matters in which deadlines are short and where the member or union representative has been unable to contact the Central Office in time, Forskerforbundet, through the general secretary, may, upon request and on the basis of a specific assessment, cover such expenses as were incurred to take the necessary first steps in the case.

## **Scope of the assistance**

- § 11** As a rule, Forskerforbundet provides legal assistance from the moment when the Central Office is contacted until a negotiated settlement is arrived at.
- § 12** If a negotiated settlement is not arrived at, Forskerforbundet may, in consultation with the member, bring the case before one of the ombudsmen, another dispute resolution body or the ordinary courts of law. Forskerforbundet provides legal counsel in all instances of the courts. Cases are referred to the courts when Forskerforbundet considers the case to be litigable.
- § 13** Where a member is entitled to assistance and the case cannot be handled by Forskerforbundet's lawyers, the General Secretary may outsource the case to external attorneys or provide financial assistance to the member concerned. Members receiving such financial assistance instruct an attorney of their own choice.

## **Decision-making authority**

- § 14** The General Secretary determines which internal or external legal counsel/law firm shall assist the member in connection with the case. This does not apply where the member receives financial support, cf. § 13.
- § 15** If the member does not follow the advice and recommendations of counsel/ Forskerforbundet, Forskerforbundet reserves the right to withdraw from the case and halt any further financial support. The same applies if the member provides incorrect or incomplete information about the case. Before any such decision is taken, the case shall be discussed with the member and the member's legal counsel. In connection with any cessation of assistance on this basis, Forskerforbundet undertakes to do what is necessary to prevent the member from suffering any loss of entitlement.
- § 16** If a member, or someone representing a member, acts in a threatening manner and/or issues threats against Forskerforbundet's elected representatives or employees, Forskerforbundet's General Secretary shall decide to halt the provision of legal assistance to the member with immediate effect. In such cases, the Working Committee shall be informed of the decision.
- § 17** The member can at any time renounce Forskerforbundet's assistance, with subsequent cessation of financial support. Notice of any such decision must be given in writing.

## **Decision-making authority in connection with litigation before the courts**

- § 18** The Head of the Legal Department decides whether a case shall be brought before a court of first instance. The decision on legal assistance in any proceedings before other instances of the courts is made by the General Secretary. The General Secretary shall keep the Executive Board informed of cases that are under consideration by the courts.
- § 19** If a member wishes to engage in litigation and the request for a lawsuit has been denied, the denial must be justified.

## **Expenses relating to bringing a case before the court system / ombudsman / tribunal**

- § 20** Forskerforbundet meets the expenses when a case is submitted on behalf of its members, i.e. its own legal costs, relevant charges, travel expenses and all costs associated with legal opinions and the testimony of witnesses, experts, etc. Forskerforbundet pays any legal costs imposed in a court of first instance. The member must bear the risk of liability for the opponent's legal costs in a court of second instance.
- § 21** Forskerforbundet, through the General Secretary, may, upon application, guarantee any coverage of the opposing party's legal costs, including in higher courts.
- § 22** When a case is referred to an external lawyer, cf. Section 13, the General Secretary may set an upper financial limit for the legal assistance. The member and their legal counsel shall be immediately notified of any such decision.
- § 23** Any costs awarded fall proportionately to the original payer of the expenses.

## **Other provisions**

- § 24** The Lawyers' Regulations. (*Advokatforskriften*)  
The lawyers of Forskerforbundet are subject to the rules of the Lawyers' Regulations, including the rules on good legal practice. It is possible to complain about the performance of the assignment. You can find more information about the complaints procedure at the Norwegian Bar Association (*Advokatforeningen*).
- § 25** Confidentiality.  
The lawyers of Forskerforbundet are subject to rules on confidentiality. In order to achieve the best possible result for the members, the lawyers of Forskerforbundet reserve the right to discuss cases among themselves.