



Norwegian Labour Inspection Authority

Order no. 701-ENG

Regulations concerning

# Organisation, Management and Employee Participation

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This is an unofficial English translation of «Forskrift om organisering, ledelse og medvirkning» for information purposes. Any disputes shall be decided on the basis of the formal regulations in Norwegian.



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# Regulations concerning Organisation, Management and Employee Participation

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**EEA references:** *The EEA Agreement Annex II Chapter XV (Directive 76/769/EEC as amended by Directive 2003/53/EC and Directive 1999/77/EC), Annex VII point 1 (Directive 2005/36/EC as amended by Directive 2006/100/EC, Regulation (EC) No 1430/2007, Regulation (EC) No 755/2008 and Regulation (EC) No 279/2009), Annex XVIII point 8 (Directive 89/391/EEC), point 9 (Directive 89/654/EEC), point 10 (Directive 2009/104/EEC), point 11 (Directive 89/656/EEC), point 15 (Directive 2000/54/EEC), point 16b (Directive 92/57/EEC), point 16c (Directive 92/58/EEC), point 16d (Directive 92/85/EEC), point 16f (Directive 92/104/EEC), point 16h (Directive 98/24/EC), point 16ja (Directive 2002/44/EC), point 16jb (Directive 2003/10/EC), point 16je (Directive 2006/25/EC), point 29 (Directive 94/33/EEC).*

## Chapter 1. Introductory provisions

### Section 1-1. *Purpose*

The purpose of these regulations is to ensure that work is organised and facilitated in a manner that ensures a thoroughly sound working environment where employees are protected against physical and mental strains by

- carrying out mapping, conducting risk assessments and implementing measures before the activity is initiated;
- ensuring participation by employees and their representatives;
- ensuring that employees and their representatives are given necessary information and training.

### Section 1-2. *Scope*

The regulations concern the organisation, facilitation and management of the work and the participation of the employees and their representatives.



Chapters 7, 8 and 9 of the regulations do not apply to offshore petroleum activities and activities on onshore facilities as mentioned in Section 6(e) of the Framework Regulations. Chapter 12 of the regulations does not apply to offshore petroleum activities.

### **Section 1-3. *To whom the regulations apply***

Employers shall ensure that the provisions of these regulations are implemented.

Chapters 5, 6 and 15, and Section 10-1(m) and Section 14-2 of the regulations, also apply to undertakings with no employees.

Section 14-3 of the regulations applies to medical practitioners in connection with their duty of notification.

### **Section 1-4. *Definitions***

For the purpose of these regulations, the following definitions shall apply:

- 1) *workplace*: any place, whether indoors, outdoors or underground, where work of a permanent or temporary nature is carried out;
- 2) *work equipment*: technical installations etc. such as machinery, lifting equipment, safety components, containers, means of transport, appliances, installations, tools and any other object used in connection with the production of a product or the performance of work;
- 3) *asbestos*: the fibrous, crystalline silicate minerals chrysotile (white asbestos), crocidolite (blue asbestos), amosite (brown asbestos), anthophyllite asbestos, tremolite asbestos and actinolite asbestos;
- 4) *use of work equipment*: work operations such as starting, stopping, installation and dismantling, transportation, use, monitoring, inspection, repair, maintenance, care and cleaning;
- 5) *building and construction activities*:
  - erection of buildings;
  - fitting out, decoration and installation work;
  - installation and removal of prefabricated elements;
  - demolition, dismantling, alteration and restoration;
  - redevelopment and maintenance;
  - general construction activities;
  - excavation, blasting and other earthwork;
  - other work carried out in connection with building or construction work;



- 6) *hand signal*: movements or positioning of arms and hands, in a coded form, in order to provide guidance to persons carrying out work that can put employees at risk;
- 7) *ionising radiation*: radiation from a radioactive substance, X-radiation and particle radiation;
- 8) *chemicals*: elements, chemical compounds or mixtures thereof, whether they occur naturally or have been manufactured or are used or released, in connection with any work operation, regardless of whether they were produced intentionally. This applies irrespective of whether the chemical is available on the market;
- 9) *personal protective equipment*: all equipment, including accessories to the equipment, that is worn or carried by an employee to protect the employee from one or more hazards that can threaten his or her health and safety during the work. Personal protective equipment does not include:
  - normal work clothes and uniforms that are not specifically designed to protect the employees' health and safety;
  - emergency assistance and rescue equipment;
  - self-defence equipment;
  - portable equipment for tracing and locating hazardous and harmful factors
  - personal protective equipment used in accordance with requirements set out in the Road Traffic Act;
- 10) *risk*: a function of the probability of an undesirable incident taking place and the consequences for the employees' life or health;
- 11) *safety signage and signalling*: use of signs, colour, light signals, acoustic signals, verbal communication or hand signals to refer to a particular object, activity or situation and that provides information or instructions on how people should act in different situations with regard to health and safety in the workplace. The definition does not include signage and signalling regulated by other legislation or by regulations relating to road, rail, air or sea transport or transport by inland waterways.

### Section 1-5. *Exemption*

The Labour Inspection Authority may grant exemption from the regulations if warranted on special grounds, if justified from a health and safety perspective and not in breach of the EEA Agreement.



### **Section 1-6. *The Petroleum Safety Authority Norway***

The provisions of these regulations relating to the Labour Inspection Authority shall apply correspondingly to the Petroleum Safety Authority in its administrative area.

## **Chapter 2. Participation of employees or their representatives**

### **Section 2-1. *Employee participation***

Planning and assessment of the working environment and implementation of necessary and preventive measures shall take place in cooperation with the employees, safety representatives and employee representatives.

Development measures intended to prevent injuries relating to ergonomically strenuous work shall be implemented in cooperation with affected employees.

The safety representative or, if the undertaking does not have a safety representative, an employee representative, must be consulted during the preparation of safety procedures, contingency plans and emergency response plans in connection with work under water or under increased ambient pressure.

The employees shall participate in the planning of diving operations, including risk assessments and measures.

### **Section 2-2. *Duties and participation of safety representatives***

Safety representatives shall work for the implementation of the Working Environment Act's objectives and otherwise perform their duties pursuant to Section 6-2 of the Working Environment Act and Section 12-11 of these regulations.

Safety representatives are entitled to spend time as necessary to perform their duties properly.

In undertakings that do not have a working environment committee, the safety representative shall also:

- a) consider and make statements on matters mentioned in Section 7-2(2) and (3) of the Working Environment Act;
- b) review reports on occupational diseases, work accidents, occupational hygiene surveys etc. as mentioned in Section 7-2(4) of the Working Environment Act. In such cases, the safety representative shall have the same access to the Labour Inspection Authority and the police's investigation documents as the working environment committee.



The safety representative shall contribute to clarifying the causes of work accidents and occupational diseases and see to it that the employer takes action to prevent recurrence.

### **Section 2-3. *Duties of the working environment committee***

The working environment committee is a decision-making and advisory body tasked with ensuring that the working environment legislation is implemented in the undertaking.

In addition to the duties mentioned in Section 7-2 of the Working Environment Act, the committee is responsible for the following:

- a) The committee shall help to prepare an action plan for the safety and environmental work in the undertaking;
- b) The committee or representatives of the committee shall carry out inspections in the undertaking to map and assess the need for safety and environmental measures. Safety representatives and supervisors for individual areas in the undertaking should take part in the inspection of the areas they represent or supervise;
- c) The committee shall advise on the prioritisation of the undertaking's plans as regards working environment issues and raise questions about new measures;
- d) The committee shall adopt guidelines for the induction of new employees in matters relating to safety and environmental work in the undertaking and see to it that the employer ensures that new employees receive training as soon as possible after their appointment;
- e) The committee shall also work to ensure that the employees of the undertaking gain insight into working environment problems and seek their participation in the safety and environmental work;
- f) The committee shall consider work instructions to be prepared for concurrent work with cytostatics and ionising radiation; see Section 15-2 of the Regulations concerning the Performance of Work.

In cases as mentioned in Section 7-2(4) of the Working Environment Act, the committee shall generally have access to the Labour Inspection Authority and the police's investigation documents.

The Labour Inspection Authority or the police will decide the extent to which documents shall be presented. Information that the committee receives from the Labour Inspection Authority or the police shall only be used insofar as this is necessary to clarify the cause of a work accident.



**Section 2-4. *Consideration by the working environment committee of plans for building works etc.***

An employer who presents the working environment committee with plans for building works or other plans that can be of material importance to the working environment, cf. Section 7-2(2)(c) and (d) of the Working Environment Act, shall also notify the committee of whether the plans will be presented to the Labour Inspection Authority pursuant to Section 18-9 of the Act.

The same applies when the plans are being considered by safety representatives in undertakings that do not have a working environment committee, or by a special local working environment committee or the local or regional safety representative; see Section 6-4 of the Working Environment Act.

## **Chapter 3. Election, training etc. of safety representatives and working environment committees**

**Section 3-1. *Division into safety areas***

The working environment committee shall divide the workplace into safety areas. In undertakings that do not have a working environment committee, this shall be carried out by the local trade union after the employer has stated its opinion.

If the undertaking has several local trade unions, they shall jointly decide on the division into safety areas after the employer has stated its opinion. If the trade unions fail to agree, the employer shall decide on the division. If no local trade union exists, representatives appointed by the employer shall decide on the division after the employer has stated its opinion.

**Section 3-2. *Election of safety representatives***

The safety representatives shall be elected from among employees with experience of and knowledge about the undertaking's working conditions.

The safety representatives shall be elected by and from among employees in each safety area. All employees have voting rights, except the undertaking's chief executive manager. Groups of employees who work in several safety areas may elect their own safety representative for areas that are not covered by other safety representatives.



In safety areas where the majority of the employees are members of a local trade union, the trade union may appoint the safety representative. In safety areas where the employees are members of a trade union, but where none of the unions represent the majority alone, the unions may appoint the safety representative jointly.

The safety representatives shall otherwise be elected by majority vote. The election shall be led by an election committee for the whole undertaking. The election committee shall consist of between one and three persons. The election committee shall be appointed by the working environment committee. In undertakings that do not have a working environment committee, the election committee shall be appointed by the local trade union. If there are several local trade unions, the election committee shall be appointed by the trade unions jointly. If the trade unions fail to agree, the election committee shall be appointed by the employer. If no local trade unions exist, the election committee shall be appointed by the employer.

All employees in the safety area and local trade unions of which employees in the safety area in question are members have the right to propose candidates. The election committee shall make known the names of the candidate and the proposer before the election takes place. In the event of parity of votes, the election shall be decided by drawing lots. The election committee shall otherwise adopt rules for the election unless such rules are adopted by the undertaking's working environment committee.

If the employees refuse to elect a safety representative, the employer shall appoint one. This safety representative shall serve until the employees have elected a safety representative in accordance with the rules stated above, but not for more than two years at a time.

In undertakings that are to establish a working environment committee but have not yet done so, the provisions of Section 3-1 first paragraph second sentence and second paragraph shall apply together with the fourth paragraph fifth sentence ff. of this section, until the committee has been established.

### **Section 3-3. *Election of deputy for the safety representative***

A deputy may be elected for the safety representative. In such case, the rules that apply to the safety representative shall apply correspondingly to the deputy.



#### **Section 3-4. *Term of office for safety representatives***

Safety representatives are elected for two years at a time. If a safety representative leaves the undertaking or takes up permanent work in another safety area, the representative's term of office will terminate. In such case, a new safety representative shall be elected immediately, unless a deputy has been elected. The deputy shall then take over as the safety representative for the remainder of the term of office.

The undertaking's management shall be notified in writing of who has been elected safety representative. No demand for recognition of an employee as a safety representative can be made until such notification has been given. Until the management receives notification of the election result, the person previously elected shall be deemed to be the safety representative.

#### **Section 3-5. *Senior safety representative***

One of the safety representatives or another employee who has held an office in the undertaking may be elected as the senior safety representative; see Section 6-1 (3) of the Working Environment Act.

In undertakings where the majority of the employees are members of a local trade union, the trade union shall appoint the senior safety representative.

In undertakings where the majority of the employees are members of a trade union, but where none of the unions represent the majority alone, they may appoint the senior safety representative jointly. If they fail to agree, the rule set out in the fourth paragraph shall apply.

If the conditions set out in the third paragraph are not met, the safety representatives shall elect the senior safety representative. In the event of parity of votes, the election shall be decided by drawing lots.

The senior safety representative is responsible for coordinating the activities of the safety representatives. Matters that concern several safety areas shall be submitted to the senior safety representative. The question of which safety representative shall deal with a matter is decided by the senior safety representative.

The provisions laid down for the safety representative shall otherwise apply correspondingly to the senior safety representative.

#### **Section 3-6. *Election of deputy for the senior safety representative***

A deputy shall be elected for the senior safety representative. The rules that apply to the senior safety representative shall apply correspondingly to the deputy.





**Section 3-7. *Working environment committee***

Undertakings that regularly employ at least 50 employees shall have a working environment committee on which the employer and the employees shall have an equal number of representatives; see Section 7-1 of the Working Environment Act.

The average number of employees during the past calendar year shall form the basis for the decision on whether to establish a working environment committee. When calculating the number of employees, all employees who work at least 20 hours a week shall be counted.

The employer appoints its own representatives on the committee. The employer, the person who runs the undertaking on the employer's behalf or, when the activities are extensive, a representative of the executive management, shall always be a member of the working environment committee.

The senior safety representative shall be one of the employer's representatives on the committee and shall have voting rights. If the undertaking has several senior safety representatives, they shall elect one joint representative. If there is only one safety representative in the undertaking, he or she shall be a member of the committee. The employees elect the rest of their representatives by majority vote. Only employees of the undertaking can be elected.

Personnel in the occupational health service, cf. Section 3-3 of the Working Environment Act, cannot be elected as representatives of the employer or employees. At least one representative of the occupational health service shall be a permanent member of the committee.

**Section 3-8. *Right to vote in elections of members of the working environment committee***

All employees have a right to vote in the election, except the person who runs the undertaking on behalf of the employer.

**Section 3-9. *Election of members of the working environment committee***

The election shall be by secret written ballot. The election shall be led by an election committee as mentioned in Section 3-2.

All employees and the local trade union have the right to propose candidates. The election committee shall make known the names of the candidates and the proposer before the election.



The election committee shall prepare ballot papers. Votes shall only be cast for up to the number of employee representatives and deputies to be elected. Votes may only be cast for proposed candidates.

The persons who receive the most votes are elected in the order indicated by the number of votes. In the event of parity of votes, the election shall be decided by drawing lots.

**Section 3-10. *Election of members of the working environment committee in undertakings with several local trade unions***

In undertakings with several local trade unions, two or more trade unions that together represent a majority of the employees may agree that the election shall be by proportional representation or that the trade unions shall appoint the employee representatives on the working environment committee. If no such agreement is made, the election shall be by majority vote.

**Section 3-11. *Deputies for members of the working environment committee***

The members of the working environment committee shall have deputies. The deputy for the employer shall be elected by the employer and be a member of the undertaking's executive management. Deputies for the employee representatives shall be elected or appointed under the provisions of Section 3-9 and Section 3-10. If an election is held, employee representatives and deputies shall be elected at the same time. Members and deputies are elected in the order indicated by the number of votes. The deputy receiving the highest number of votes becomes the personal deputy for the member receiving the highest number of votes etc.

**Section 3-12. *Chair of the working environment committee***

If the parties fail to agree on whether the chair during the first year shall be a representative of the employer or the employees, this shall be decided by drawing lots.

**Section 3-13. *Matters that concern a group of employees not represented on the working environment committee***

When the working environment committee considers matters that particularly concern a group of employees not represented on the working environment committee, representatives of that group shall be summoned. They shall



have a right to speak and make proposals to the committee, but not voting rights. This rule also applies to the groups mentioned in Section 1-6 of the Working Environment Act.

**Section 3-14. *Several working environment committees in the same undertaking***

In undertakings with several separate operational entities, the working environment committee may decide that local working environment committees shall be elected for each operational entity. The working environment committee for the whole undertaking shall stipulate the duties and authority of the local working environment committees. The provisions of the regulations on working environment committees shall otherwise apply.

The working environment committee may appoint sub-committees to consider specific problems (e.g. a rehabilitation committee, an ergonomics committee etc.). The sub-committees are advisory bodies to the working environment committee. The working environment committee may nonetheless decide that the individual sub-committees shall have a certain decision-making authority.

**Section 3-15. *Term of office for members of the working environment committee***

Members of the working environment committee are elected for two years at a time. If a member leaves the undertaking, the member's term of office will terminate. The deputy shall then take over as member for the remainder of the election period.

**Section 3-16. *Rules of procedure for the working environment committee***

The working environment committee decides how often meetings of the committee shall be held. Normally, four meetings per year shall be held. A meeting of the committee shall be held when requested by at least two of its members.

The committee raises questions on its own initiative or at the request of a safety representative. Any other employee can also bring a working environment issue before the committee.

The committee discusses the items for its consideration, initially with a view to reaching agreement. If the committee fails to reach a solution that the members can agree on, a vote shall be held.



Minutes shall be kept of the meetings of the working environment committee. In connection with voting, both the majority and the minority opinion shall be recorded in the minutes.

**Section 3-17. *Duty of secrecy for safety representatives and members of the working environment committee***

Safety representatives and members of the working environment committee are obliged to prevent others from gaining access to or knowledge about anything they might learn about the following in the course of their duties:

- a) anybody's personal circumstances, or
- b) technical installations, production methods, commercial analyses and calculations, and other trade secrets, when the information is of a nature whereby it can be exploited by others in their commercial activities.

The duty of secrecy does not apply if the undertaking or the person the information concerns consents to the information being disclosed, or if this is necessary to inform affected employees or members of the undertaking's bodies about accident or health hazards in the undertaking.

The working environment committee may decide that its members shall be bound by the duty of secrecy. The exceptions from the duty of secrecy set out in the second paragraph apply correspondingly.

If the safety representative or a member of the committee is in doubt about whether disclosing information can be damaging, he/she shall consult the person the information concerns.

**Section 3-18. *Training of safety representatives and members of working environment committees***

Safety representatives and members of working environment committees shall receive the training necessary to enable them to perform their duties in a proper manner; see Section 6-5(1) and Section 7-4 of the Working Environment Act. The training shall:

- a) give the participants an understanding of what a thoroughly sound working environment entails in their workplace, the employer and employees' roles and responsibilities, and the roles and duties of the working environment committee, the safety representative, the occupational health service and the Labour Inspection Authority;



- b) disseminate knowledge to the participants about the continuous health, environmental and safety work based on broad participation, good documentation and systematic work;
- c) disseminate knowledge to the participants so that they can carry out a simple risk assessment of physical, psychosocial and organisational factors in the working environment;
- d) make the participants capable of identifying factors that promote or hinder a good psychosocial and organisational working environment in their undertaking;
- e) make the participants capable of identifying the most important physical working environment factors in their own workplace so that injuries and accidents can be prevented, including factors relating to ergonomics, noise and the indoor climate;
- f) give an introduction to and information about the Working Environment Act and other relevant laws and regulations.

If chemical substances or biological material are used as mentioned in Section 4-5 of the Working Environment Act, training shall be provided in the health hazards that the substances entail.

Further training shall be provided in topics mentioned in the first and second paragraphs that have a particular impact on the working environment in the undertaking in question, insofar as it is necessary in order for the safety representatives and members of the working environment committee to be able to perform their duties in a proper manner.

Special training should also be provided for safety representative in safety areas where there are particularly complex working environment problems. The senior safety representative shall have at least the same training as the other safety representatives in the undertaking, in addition to the requisite training for performing his or her duties pursuant to Section 3-5 of these regulations.

### **Section 3-19. *Duration of the training of safety representatives and members of working environment committees***

The training shall be of at least 40 hours' duration. Training for less than 40 hours may be agreed if the parties jointly find that it is justified based on an assessment of the nature and scope of the problems.



**Section 3-20. *Implementation of training of safety representatives and members of working environment committees***

Practical issues in connection with the training shall be clarified between the employer and the employees' safety representatives or by agreement between the employer's association and the trade union, with a right to submit recommendations in accordance with Section 39 of the Labour Dispute Act. If there are no safety representatives in the undertaking, the employer shall clarify such issues with those who are to take part in the training.

Training shall be provided as soon as possible after a new election, and it shall preferably take place during working hours. The employer shall cover the costs of the training. When training takes place during working hours, the participants shall have time off from work with full pay. If the training takes place outside working hours, the participants shall be paid as if they were working ordinary working hours, without any overtime supplement for the tuition time.

**Section 3-21. *The Labour Inspection Authority's right to instruct employers to provide training for safety representatives and members of working environment committees***

In cases where the working conditions warrant more extensive training of safety representatives or members of the working environment committee than decided by the undertaking, the Labour Inspection Authority may order the employer to provide such training. The Labour Inspection Authority may also lay down minimum requirements for training for particular industries and types of undertaking.

Where no training is planned or provided, the Labour Inspection Authority may order the employer to provide training as laid down in this section and in Sections 3-18 to 3-20, and may also define the content and scope of such training.

**Section 3-22. *Undertakings that have other collaborative bodies***

In undertakings where a collaborative body already exists, the employer and local trade unions of which a majority of the employees are members may agree that this body is to function as a working environment committee.

If no local trade union exists, or if only a minority of the employees are members of the union, the employees can appoint representatives who, either alone or together with the union, will be tasked with entering into such an agreement with the employer.



In order for another collaborative body to function as the working environment committee, the following conditions must be met:

- a) The employer and employees shall have an equal number of representatives on the committee. If other groups are represented on the committee, they shall not have voting rights in matters relating to the working environment.
- b) The employer must be represented as prescribed in Section 3-7.
- c) The senior safety representative shall be a representative of the employees; see Section 3-7.
- d) The occupational health service shall be represented without voting rights; see Section 3-7.

If the requirements can be met by supplementing the committee, the committee may act as a working environment committee when such supplementation takes place.

### **Section 3-23. *Special groups***

Representatives of students, military service personnel, civil service personnel, prisoners, patients and people on placements cannot be elected as employee representatives or as members of the working environment committee unless provided for in supplementary regulations. Nor do they have voting rights in connection with elections of safety representatives and members of working environment committees, and they shall not be reckoned with when deciding whether the number of employees in the undertaking indicates that a working environment committee must be established, unless otherwise provided for in supplementary regulations.

## **Chapter 4. Local safety representatives and working environment committees for stevedores**

### **Section 4-1. *Election of safety representatives and working environment committees at company quays and in ports***

This chapter does not apply to company quays or ports where only the undertaking's own employees are used for loading and unloading operations.

### **Section 4-2. *Election of safety representatives for stevedores***

In ports where at least five employees are regularly employed in loading and unloading operations, one or more local safety representatives shall be elected.



The number of safety representative shall be decided by agreement between the parties.

If there are several local safety representatives, a local senior safety representative shall be elected, cf. Section 6-1 (3) of the Working Environment Act, and Section 3-5 of these regulations is applicable.

In connection with the election of local safety representatives, the provisions of Section 6-1 of the Working Environment Act and Sections 3-1, 3-2, 3-3, 3-5, 3-6 and 3-14 of these regulations shall otherwise apply insofar as they are appropriate.

#### **Section 4-3. *Election of working environment committees for stevedores***

In ports where at least 15 employees are regularly employed in loading and unloading operations, a local working environment committee shall be established if one of the parties so demands. When calculating the number of employees, the rule set out in Section 3-7 second paragraph shall apply; such, however, that everyone who works at least the same number of hours as the average for the permanent employees shall be included. The size of the committee shall be decided by agreement between the parties.

If the committee does not have representatives of all the employers, the employers with the greatest number of hours worked by stevedores shall have preferential rights.

A local union of which the majority of the stevedores are members may appoint the employees' representatives on the committee.

In connection with the establishment of working environment committees, the provisions of Section 7-1 of the Working Environment Act and Sections 3-1, 3-2, 3-3, 3-5, 3-6, 3-7 and 3-15 of these regulations shall otherwise apply insofar as they are appropriate.

#### **Section 4-4. *The duties, obligations and rights of the safety representative and the working environment committee***

The local safety representative and working environment committee shall have the same duties, obligations and rights as those laid down for ordinary safety representatives and working environment committees; see Chapters 6 and 7 of the Working Environment Act and Chapter 3 of these regulations.



**Section 4-5. *The employer's right to state its opinion***

Before a decision is made as mentioned in Section 7-2(4) and (5) of the Working Environment Act, the employers to whom the decision is addressed shall be given an opportunity to state their opinion within a reasonable deadline.

**Section 4-6. *The employer's right to submit the working environment committee's decision to the Labour Inspection Authority***

If the committee has made a decision pursuant to Section 7-2(4) and (5) of the Working Environment Act, any employer to whom the decision applies may submit it to the Labour Inspection Authority for decision

In such cases, the working environment committee shall be notified that the decision has been submitted to the Labour Inspection Authority, and of the grounds for this.

**Section 4-7. *Expenses relating to the safety representatives and the working environment committees' activities***

Expenses relating to the safety representatives and the working environment committees' activities shall be split proportionately between the employers covered by the arrangement, in the same way as is stipulated for other administrative expenses.

## **Chapter 5. Regional safety representatives for building and construction undertakings**

**Section 5-1. *Scope***

This chapter applies to building and construction undertakings where workplaces are temporary or mobile, including undertakings with no employees.

**Section 5-2. *The authority and duties of regional safety representatives***

The regional safety representatives shall work in workplaces that have not elected a safety representative or established a working environment committee pursuant to the provisions of the Working Environment Act.

In workplaces that have not elected a safety representative, the regional safety representative shall notify the employer and employees of the duty to elect



a safety representative pursuant to Section 6-1 of the Working Environment Act. If no safety representative is elected following this, the regional safety representative shall notify the Labour Inspection Authority.

Until a safety representative has been elected for the undertaking, the regional safety representative has the same authority as a safety representative has pursuant to Section 6-2(1) to (6) and Section 6-3 of the Working Environment Act. The regional safety representative may take part in the Labour Inspection Authority's inspections in the undertaking. Regional safety representatives have the same authority in relation to undertakings with no employees.

In workplaces with several employers and where the undertakings have not agreed which one is to take responsibility for coordinating the individual undertakings' safety and environmental work, the regional safety representative shall notify the employers of the duty to agree in writing which undertaking shall be responsible for the coordination; see Section 2-2 of the Working Environment Act. If, following this, the employers fail to agree on which undertaking is to be responsible for the coordination, the regional safety representative shall notify the Labour Inspection Authority.

If undertakings that are obliged to establish a working environment committee pursuant to Section 7-1 of the Working Environment Act fail to do so, the regional safety representatives shall make the employer and employees aware of this duty. If no working environment committee is established following this, the regional safety representative shall notify the Labour Inspection Authority.

Regional safety representatives shall prepare annual reports on their activities to the unions.

### **Section 5-3. *Regional safety representatives' right to information***

Regional safety representatives have the same right to information from the undertakings as the ordinary elected safety representatives and otherwise to such information as may be considered necessary for the regional safety representatives to perform their duties pursuant to Section 5-2 of these regulations.

### **Section 5-4. *Duty of secrecy***

Regional safety representatives have a duty of secrecy in accordance with Section 3-17.



### **Section 5-5. *Competence requirements***

Regional safety representatives are obliged to familiarise themselves with the rules on health, safety and the working environment that apply to building and construction undertakings under these regulations.

## **Chapter 6. Regional safety representatives for accommodation, restaurant and cleaning undertakings etc.**

### **Section 6-1. *Scope***

This chapter applies to all undertakings, including undertakings with no employees, that are covered by the following classes of economic activities; see Section 2 of the Regulations of 20 June 2008 No 632 on the implementation of EEA acts on European statistics, cf. Regulation (EC) No 1893/2006 Annex 1:

- a) hotels and similar accommodation;
- b) holiday and other short-stay accommodation;
- c) camping grounds, recreational vehicle parks and trailer parks;
- d) other accommodation;
- e) restaurants and mobile food service activities;
- f) event catering and other food service activities;
- g) beverage serving activities;
- h) cleaning activities.

This chapter does not apply to the petroleum activities.

### **Section 6-2. *Qualifications etc.***

Regional safety representatives shall have at least three years' experience of work in the industry they are to be a safety representative for, and at least two years' experience as a safety representative. The qualification requirement may be departed from in special cases.

Regional safety representatives are obliged to familiarise themselves with the rules on health, safety and the environment that apply to their industry.

### **Section 6-3. *The authority and duties of regional safety representatives***

The regional safety representatives shall work in undertakings that have not elected a safety representative or established a working environment committee pursuant to the provisions of the Working Environment Act.



In undertakings that have not elected a safety representative, the regional safety representative shall notify the employer and employees of the duty to have a safety representative pursuant to Section 6-1 of the Working Environment Act. If no safety representative is elected or appointed following this, the regional safety representative shall notify the Labour Inspection Authority.

Until a safety representative has been elected for the undertaking, the regional safety representative has the same authority as a safety representative has pursuant to Section 6-2 (1) to (6) and Section 6-3 of the Working Environment Act. The regional safety representative may take part in the Labour Inspection Authority's inspections in the undertaking.

In workplaces with several employers and where the undertakings have not agreed which one is to take responsibility for coordinating the individual undertakings' safety and environmental work, the regional safety representative shall notify the employers of the duty to agree in writing which undertaking shall be responsible for the coordination; see Section 2-2 of the Working Environment Act. If, following this, the employers fail to agree on which undertaking is to be responsible for the coordination, the regional safety representative shall notify the Labour Inspection Authority.

If undertakings that are obliged to establish a working environment committee pursuant to Section 7-1 of the Working Environment Act fail to do so, the regional safety representatives shall make the employer and employees aware of this duty. If no working environment committee is established following this, the regional safety representative shall notify the Labour Inspection Authority.

#### **Section 6-4. *Right to information***

Regional safety representatives have the same right to information from the undertakings as the ordinary elected safety representative and otherwise to such information as may be considered necessary for the regional safety representative to perform his/her duties pursuant to Section 6-3 of these regulations.

#### **Section 6-5. *Duty of secrecy***

Regional safety representatives have a duty of secrecy in accordance with Section 3-17.



## Chapter 7. Risk assessments

### Section 7-1. *General requirements for mapping and risk assessments*

The parties that the regulations apply to, cf. Section 1-3, shall ensure that the working environment in the undertaking is considered in connection with the planning, facilitation and performance of the work.

Factors that can affect employees' physical or mental health, including working hours, shall be mapped and, if necessary, measured. Special consideration shall be given to whether employees under 18 years will be used for the work; see Chapter 12.

Based on the mapping, the risk of injury or harm to the employees' health and safety shall be assessed.

Risk assessments shall be carried out regularly, in connection with changes that may have an impact on the risk factors and in connection with purchases of machinery and equipment that may have an impact on the health, safety and working environment in the undertaking.

Risk assessments shall be carried out in cooperation with the employees and their representatives.

Mapping and risk assessments, and plans and measures resulting from risk assessments, shall be documented in the form and scope necessary, based on the nature, activities, risk factors and size of the undertaking, and they shall be stored so that the information can be used at a later time.

### Section 7-2. *Measurement as the basis for risk assessment*

When measurements are carried out as the basis for a risk assessment, the measuring methods and instruments shall be adapted to the environment, the type of exposure that occurs and the duration of the exposure. The measurement methods used shall be representative for the individual employee's personal exposure, and account shall be taken of measurement uncertainty in the assessment of risk.

### Section 7-3. *Additional requirements for risk assessments:*

Risk assessments shall be carried out in accordance with the Regulations concerning the Performance of Work, in connection with:

- the use and handling of chemicals, cf. Chapter 3;
- hot work, cf. Chapter 5;
- the risk of exposure to biological agents, cf. Chapter 6;



- exposure to mutagenic agents, cf. Chapter 7;
- exposure to noise and mechanical vibrations, cf. Chapter 14;
- exposure to artificial optical radiation, cf. Chapter 16;
- the performance of work at height; cf. Chapter 17;
- the performance of manual work that can entail a risk of harmful strain, cf. Chapter 23;
- work under water or under increased ambient pressure, cf. Chapter 26;
- the risk of avalanches, cf. Chapter 30.

## Chapter 8. Training

### Section 8-1. *General requirements for training*

Employers shall ensure that employees who use equipment and plant or handle goods, substances or products have received necessary training and practice in expedient working methods, organisation of the work and other relevant factors, and have the necessary qualifications for safe performance of the work.

Where use of aids, evacuation and rescue equipment, first aid equipment or personal protective equipment is required, training shall be provided and, if necessary, drills shall be organised in the use of such equipment.

In connection with training of persons under the age of 18, special account shall be taken of their lack of work experience, that they are not aware of existing and potential risks and that they are not yet fully developed.

Owners of undertakings with no employees, or in which employees can be exposed to risk in connection with the use of equipment and the performance of work, shall ensure that necessary training and qualifications are in place.

Training shall be repeated when necessary. The training shall be provided in a language that the employees understand.

### Section 8-2. *Qualification and additional requirements for training*

The employer shall ensure that training is provided in accordance with the Regulations concerning the Performance of Work, in connection with:

- work with chemicals, cf. Chapter 3;
- work with asbestos, cf. Chapter 4;
- hot work, cf. Chapter 5;
- work involving a risk of exposure to biological agents, cf. Chapter 6;



- work at wastewater treatment plants, cf. Chapter 8;
- work with work equipment that requires special caution, cf. Chapter 10;
- maintenance of work equipment, cf. Chapter 12;
- work involving a risk of exposure to harmful noise or mechanical vibrations, cf. Chapter 14;
- work involving a risk of exposure to artificial optical radiation, cf. Chapter 16;
- erection, dismantling, alteration and inspection of scaffolds, cf. Chapter 17;
- safety signage and signalling, cf. Chapter 22;
- ergonomically strenuous work, cf. Chapter 23;
- work on operational control and safety monitoring (control room), cf. Chapter 24;
- work under water or under increased ambient pressure, cf. Chapter 26.

## Chapter 9. Information to employees

### Section 9-1. *General requirements for information to employees*

The employer shall ensure that the employees and their representatives are kept informed about risk factors relating to the work and how they can be avoided.

The information shall be worded so that it can be understood by each individual employee.

### Section 9-2. *Additional requirements for information to employees*

The employer shall ensure that information is provided in accordance with the Regulations concerning the Performance of Work, in connection with:

- work with chemicals, cf. Chapter 3;
- hot work, cf. Chapter 5;
- exposure to mutagenic agents, cf. Chapter 7;
- work with work equipment that requires special caution, cf. Chapter 10;
- work involving a risk of exposure to harmful noise or mechanical vibrations, cf. Chapter 14;
- work involving a risk of exposure to artificial optical radiation, cf. Chapter 16;
- safety signage and signalling, cf. Chapter 22;
- ergonomically strenuous work, cf. Chapter 23.



## Chapter 10. Planning, facilitation of the work and safe operations

### Section 10-1. *Planning and facilitation of the work*

The employer shall plan the work and check the procedures for the systematic working environment work, so that the work can be carried out with adequate regard to health and safety.

- a) Measures shall be implemented to eliminate or prevent risk factors. Insofar as it is possible, measures to reduce exposure to risk factors shall be implemented at source.
- b) Collective protective measures shall be given priority over personal protective measures.
- c) In connection with the planning and facilitation of the work, account shall be taken of the employees' individual circumstances and the need for variation in the work. Insofar as it is possible, arrangements shall be made to adapt the work to the individual employees to avoid unfortunate strains.
- d) The presence of hazardous chemicals and biological agents shall be avoided. If this proves impossible in practice, the quantity shall be reduced to a minimum. The number of employees who are or may be exposed to hazardous chemicals or biological agents shall be as low as possible.
- e) A substance index shall be established for the hazardous substances that are handled in the undertaking.
- f) Ergonomic principles shall form the basis for both work positions and adaptation to the workplace in connection with the use of work equipment. It must be possible to vary work positions and avoid static work. As far as possible, the work must not involve movements or positions that may cause harm to health.
- g) The work shall be planned and executed in a manner that ensures that the employees are protected from dust, vibrations and artificial optical radiation.
- h) Measures shall be implemented to protect employees who have access to danger zones.
- i) Safe access shall be ensured where the workplace is difficult to access. For work at height, a work platform or scaffold shall be provided if necessary.





- j) Procedures shall be prepared that ensure that traffic routes/passageways and escape routes are open and accessible.
- k) Workspaces and premises shall be kept tidy and properly cleaned.
- l) Expedient first-aid equipment shall be available in all places where the working conditions so require.
- m) Working hour arrangements shall be organised so as to safeguard health and safety.

### **Section 10-2. *Prevention of injuries relating to ergonomically strenuous work***

The employer shall implement necessary measures to remove or reduce strenuous and harmful manual work operations, including development measures; see Section 2-1 second paragraph. These measures shall be based on the work that is carried out and include factors such as:

- organisation of the work;
- premises;
- fixtures and furnishings;
- equipment, including technical aids;
- cooperative relations; and
- management and planning systems that have an effect on the pace and content of the work.

### **Section 10-3. *Requirements for the choice of work equipment***

The employer shall ensure that the work equipment used has been designed and arranged so that the employees are protected against harm to life or health during use of the equipment; see the Regulations concerning the Performance of Work.

In order to protect the employees' life and health, the employer shall, when choosing work equipment, take into consideration special conditions in each individual workplace, the distinctive features of the work and the dangers that may arise in connection with use of the equipment.

The employer shall assess the risks and implement necessary measures to ensure that work equipment that is made available to the employees is suitable for the work and adapted to the intended purpose. It must be possible to use and maintain the work equipment without any risk of harm to the life or health of the person carrying out the work.



When it is not possible to fully ensure that work equipment can be used without a risk of harm to life or health, the employer shall implement measures to reduce the risks to a minimum.

#### **Section 10-4. *Requirements for systematic inspection and maintenance***

Work equipment and installations in use shall be subject to regular inspection and maintenance, to ensure compliance with the Regulations concerning the Performance of Work; see Section 10-5 first paragraph.

When necessary, procedures shall be developed for the inspection and maintenance of work equipment and plant before use.

#### **Section 10-5. *Requirements for safety signage and signalling***

The employer shall assess hazardous conditions in the undertaking with a view to ensuring that safety signage and signalling are in place where such hazards cannot be avoided by other measures.

If the effect is the same, a choice can be made between:

- light signals, audio signals or verbal instructions;
- hand signals or verbal instructions;
- a warning colour or safety signage to indicate places where there is an obstacle or a difference in elevation.

Signals that can be used together:

- light signals and audio signals;
- light signals and verbal instructions;
- hand signals and verbal instructions.

#### **Section 10-6. *Requirements for warning and communication devices***

If the risk assessment indicates that there may be a need for immediate assistance, the employer shall take necessary measures to ensure that the employees can be alerted and to ensure that the employees have access to the required warning and communication devices.

#### **Section 10-7. *Requirements for software and computer systems***

In connection with any development, choice, purchase and change of software, and when defining tasks that involve the use of a computer screen, the employer shall take the following factors into account:



- a) the software shall be adapted to the task to be performed, and shall as far as possible be in Norwegian;
- b) the software must be easy to use and, if applicable, possible to adapt to the user's knowledge or level of experience; quantitative or qualitative control devices must not be used unless the employees are aware of them;
- c) the systems must provide the employees with information about how the work is progressing;
- d) the systems must display the information in a format and at a speed adapted to the operators.

#### **Section 10-8. *Variation and rest***

When warranted by the nature of the work, for example work at a computer screen, the employer shall facilitate the work by ensuring that it is regularly interrupted by other forms of work or, where this is not possible, that it is interrupted by periods of rest and restitution as necessary so as to avoid harmful effects.

## **Chapter 11. Work instructions**

#### **Section 11-1. *General requirements for work instructions for work execution and use of work equipment***

If the performance of work can entail a particular risk of harm to life or health, the employer shall prepare written work instructions to ensure that:

- a) the work can be carried out in a completely safe manner;
- b) the performance of work or use of work equipment is limited to persons who have received necessary training;
- c) persons who are to carry out repairs, conversion or maintenance are specially designated to carry out such work; and
- d) work equipment to be repaired is not taken into use if the defect, wear, tear or damage can entail a risk during use.

#### **Section 11-2. *Additional requirements for work instructions***

Written work instructions shall always exist in accordance with the Regulations concerning the Performance of Work, in connection with:



- work with asbestos, cf. Chapter 4;
- erection and use of scaffolding, cf. Chapter 17;
- manual high-pressure jetting with pressures exceeding 250 bar, cf. Chapter 20;
- excavation work deeper than 2.0 metres, cf. Chapter 21;
- work on operational control and safety monitoring, cf. Chapter 24;
- work under water or under increased ambient pressure, cf. Chapter 26;
- rock work, cf. Chapter 27;
- work on carbon dioxide systems, cf. Chapter 28;
- the risk of avalanches, cf. Chapter 30.

## Chapter 12. Work performed by children and young people

### Section 12-1. *Risk assessments and specially adapted measures for employees under the age of 18*

When persons under the age of 18 are to be used in the work, the employer must assess the risks to which they will be exposed.

The risk assessment shall be carried out before persons under 18 take up the work and repeated every time material changes are made to the working conditions.

The risk assessment shall be based on the following in particular:

- a) the equipment and layout of the work site and workplace;
- b) the arrangement, choice and use of work equipment and machinery, and how these are handled;
- c) the organisation of the work;
- d) the nature, degree and duration of exposure to physical, biological and chemical agents;
- e) unfortunate psychological strains that the work may entail;
- f) work operations that can overstrain the muscular-skeletal system;
- g) children and young people' level of training and instruction.

The employer shall implement necessary measures to safeguard the health, safety and development of persons under the age of 18. Special account shall be taken of their lack of work experience, that they are not aware of actual and potential risks and that they are not yet fully developed.



**Section 12-2. *Right to use children aged 13 for work***

Children who have reached the age of 13 may perform light work. By light work is meant any work that, due to the nature of the tasks and the special conditions under which they are to be carried out, does not have any unfortunate effect on the children's health, safety or development, and that does not affect their schooling, participation in vocational guidance or training, or their chance of benefiting from education.

**Section 12-3. *Right to employ children in cultural work or similar***

Children under the age of 15 or children required to go to school under the Act of 17 July 1998 No 61 relating to primary and secondary education and training (the Education Act) may carry out cultural, artistic, sports-related or advertising work, insofar as the work does not have an adverse effect on their health, safety or development, and does not affect their schooling, participation in vocational guidance or training, or their chance of benefiting from education.

Before children are put to work as mentioned in the first paragraph, the employer shall obtain the consent of the Labour Inspection Authority. Consent pursuant to Section 12-4 shall be enclosed with the application to the Labour Inspection Authority.

When it is justifiable from a safety and health perspective, the Labour Inspection Authority may on application give its prior consent to children being used for cultural, artistic or sports-related work in excess of two hours a day and twelve hours a week.

**Section 12-4. *Consent of parents or guardians***

Before children under the age of 15 or children required to go to school are put to work, the employer shall ensure that written consent is obtained from their parents or guardians.

**Section 12-5. *Limitations on work to be performed by children and young people***

Persons under the age of 18 shall not perform work that

- a) is beyond their physical or mental capabilities;
- b) entails exposure to toxic or carcinogenic agents, agents that cause heritable genetic damage, agents that cause harm to the unborn child or that in other ways cause chronic damage to people;



- c) entails exposure to harmful radiation;
- d) entails a risk of accidents that it is reasonable to assume that persons under the age of 18 are unable to recognise or avoid due to inadequate awareness of safety or insufficient experience, training or practice.

**Section 12-6. *Prohibition on work that can entail a particular risk of harm to health***

Persons under the age of 18 shall not perform the following types of work:

- a) work that entails exposure to ionising radiation;
- b) work in a hyperbaric atmosphere, e.g. in hyperbaric chambers and in connection with diving;
- c) work that entails exposure to biological agents in risk groups 3 and 4; cf. Chapter 6 of the Regulations concerning Action and Limit Values and Chapter 6 of the Regulations concerning the Performance of Work;
- d) work that entails exposure to chemicals that meet the criteria for being classified as very toxic, toxic, corrosive or explosive; cf. the Regulations of 16 July 2002 No 1139 relating to the classification, labelling etc. of hazardous chemicals. This applies regardless of whether the chemical is classified in accordance with the said regulations;
- e) work that entails exposure to carcinogenic chemicals;
- f) work that entails exposure to lead and lead compounds;
- g) work that entails exposure to asbestos or asbestos-containing materials;
- h) work that entails exposure to chemicals classified as irritants (Xi) and that are described by one or more of the following risk phrases or combinations of phrases where these are included:
  - R12 Extremely flammable
  - R42 May cause sensitisation by inhalation
  - R43 May cause sensitisation by skin contact;
- i) work that entails exposure to chemicals classified as harmful (Xn) and that are described by one or more of the following risk phrases and combination phrases where these are included:
  - R39 Danger of very serious irreversible effects
  - H351 Suspected of causing cancer
  - R40 Limited evidence of a carcinogenic effect
  - H341 Suspected of causing genetic defects
  - R68 Possible risk of irreversible effects



- R42 May cause sensitisation by inhalation
- R43 May cause sensitisation by skin contact
- R45 May cause cancer
- R48 Danger of serious damage to health by prolonged exposure
- R49 May cause cancer by inhalation
- R60 May impair fertility
- R61 May cause harm to the unborn child
- R62 Possible risk of impaired fertility
- R63 Possible risk of harm to the unborn child
- R46 May cause heritable genetic damage
- R33 Danger of cumulative effects;
- j) work with the production and handling of fireworks, and objects and machinery that contain explosives;
- k) work with wild or poisonous animals;
- l) work with industrial slaughtering of animals;
- m) work that entails handling of equipment for the production, storage or use of compressed, liquid or dissolved gases;
- n) work in tanks, pools or reservoirs, or work using carboys that contain chemical agents described in points (d) to (i);
- o) work that entails a risk of building collapse or landslides;
- p) work that entails a risk of contact with high-voltage electricity;
- q) piecework where the pace is set by the machinery;
- r) work that may be harmful due to extreme cold or heat or due to dust or vibration;
- s) work with cranes and lifts and stackers for goods as mentioned in Section 10-3 of the Regulations concerning the Performance of Work;
- t) work with earth-moving machinery;
- u) work with nail guns;
- v) work with bolt guns;
- w) work with liquid sprayers with a working pressure equal to or greater than 250 bar (25 MPa).

**Section 12-7. *Exemption from the prohibition on work for vocational training***

If the work is carried out as part of practical training under the auspices of the school, or practical training under an apprenticeship contract or training contract, young people between the ages of 15 and 18 and who are not requi-



red to go to school, may perform work as mentioned in Section 12-5 (b) to (d) and Section 12-6 (b) to (r).

On the same terms as mentioned in the first paragraph, young people aged between 16 and 18 who are not required to go to school may perform work as mentioned in Section 12-6(a) when the effective dose equivalent does not exceed 5 mSv over a period of 12 months. In the event of irradiation of individual organs, the dose limit must not exceed 50 mSv/year for the eye lens and 150 mSv/year for the skin, hands and feet.

Young people who have turned 17 may be given practical training in the use of work equipment as mentioned in Section 12-6(s) to (w), if the training complies with the requirements for safety training set out in Chapter 10 of the Regulations concerning the Performance of Work. Such training can also be provided to upper secondary school students when the student has turned 16 and the training takes place under the qualified supervision of the school.

When young people are put to work as mentioned in the first, second and third paragraphs, the employer shall organise and adapt the work to the individual person's work experience and level of maturity, and otherwise implement measures as necessary to safeguard their health, safety and development.

The employer shall ensure that young people who are put to such work are supervised by an experienced, qualified person to the extent that this is necessary.

#### **Section 12-8. *Right to use children for cultural, artistic or sports-related work***

Children under the age of 15 or children who are required to go to school may perform cultural, artistic or sports-related work in the period between 20:00 and 23:00, on the terms and conditions mentioned in Section 12-3. In cases where the work is concluded after 22:00, the free period shall last until 7:00.

#### **Section 12-9. *Conditions for using young people for night work***

If the work is not harmful to their health, safety or development, young people between the ages of 15 and 18 who are not required to go to school may perform night work in the following cases:

- a) Cultural, artistic or sports-related work can be performed until 23:00.
- b) Work under an apprenticeship contract in undertakings in the hotel and restaurant industry may be performed until 24:00 when this is necessary in order to serve guests.





- c) Work involving the sale or distribution of newspapers may be performed from 4:00.
- d) Work in two shifts in a non-industrial undertaking may be performed between 6:00 and 24:00. This exception does not apply to building and construction undertakings and transport undertakings.
- e) Cleaning can be performed until 24:00 where the work cannot be performed without interrupting other work in the workplace and has to be performed at night due to the number of hours for which the workplace is in operation.
- f) Light security and gatekeeper work may be performed between 6:00 and 24:00.
- g) Light work in nursing and healthcare undertakings, and in halls of residence affiliated to boarding schools, children's homes, kindergartens etc. may be performed between 6:00 and 24:00.
- h) Light work in hospitals and similar institutions may be performed until 6:00 by health care worker students, apprentices and trainees as part of their upper secondary training. The work must be part of the practical training in accordance with the applicable vocational curriculum.

#### **Section 12-10. *Requirement for information***

The employer shall ensure that persons under the age of 18, their parents or other guardians are informed about any risks associated with the work and about all measures implemented to safeguard the young people's health and safety.

#### **Section 12-11. *Requirement for participation of the safety representative for employees aged under 18***

The employer shall consult the safety representative in connection with the planning and execution of work to be performed by persons aged under 18.

In undertakings that do not have a safety representative, the employee representative shall be consulted.

#### **Section 12-12. *Requirement that a list be kept of young employees***

Employers who employ persons aged under 18 shall keep a list of such employees. The list-keeping may be left out in undertakings with fewer than 20 employees.

The list shall contain the following information:



- a) the employee's name, address and personal ID number;
- b) the names and addresses of parents/guardians (for children aged under 15 or children required to go to school);
- c) the nature of the work;
- d) daily working hours, including working hours for other employers, and the hours of the day between which the work is performed,
- e) normal hours of school attendance,
- f) the period during the summer holidays in which the employee is given time off.

The list must be available to the Labour Inspection Authority and the safety representative.

## Chapter 13. Occupational health service

### Section 13-1. *The undertaking's duty to be affiliated to an occupational health service*

The employer is obliged to ensure that the undertaking is affiliated to an approved occupational health service if warranted by risk factors in the undertaking; see Chapter 2 of the Regulations concerning Administrative Arrangements.

Undertakings engaged in the following economic activities shall be affiliated to an occupational health service approved by the Labour Inspection Authority:

<i>NACE code</i>	<i>Main group or sub-group that only includes parts of the main group</i>
02	Forestry and logging
03	03.2 Aquaculture
05	Mining of coal and lignite
07	Mining of metal ore
08	Other mining and quarrying
09	09.9 Support activities for other mining and quarrying
10	Manufacture of food products
11	Manufacture of beverages
12	Manufacture of tobacco products



<i>NACE code</i>	<i>Main group or sub-group that only includes parts of the main group</i>
13	Manufacture of textiles
14	Manufacture of wearing apparel
15	Manufacture of leather and related products
16	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials
17	Manufacture of paper and paper products
18	18.1 Printing and service activities related to printing
19	Manufacture of coke and refined petroleum products
20	Manufacture of chemicals and chemical products
21	Manufacture of basic pharmaceutical products and pharmaceutical preparations
22	Manufacture of rubber and plastic products
23	Manufacture of other non-metallic mineral products
24	Manufacture of basic metals
25	Manufacture of fabricated metal products, except machinery and equipment
26	26.1 Manufacture of electronic components and boards 26.2 Manufacture of computers and peripheral equipment 26.3 Manufacture of communication equipment 26.4 Manufacture of consumer electronics 26.51 Manufacture of instruments and appliances for measuring, testing and navigation 26.6 Manufacture of irradiation, electromedical and electrotherapeutic equipment 26.7 Manufacture of optical instruments and photographic equipment 26.8 Manufacture of magnetic and optical media
27	Manufacture of electrical equipment



<i>NACE code</i>	<i>Main group or sub-group that only includes parts of the main group</i>
28	Manufacture of machinery and equipment n.e.c.
29	Manufacture of motor vehicles, trailers and semi-trailers
30	30.1 Building of ships and boats 30.200 Manufacture of railway locomotives and rolling stock 30.300 Manufacture of air and spacecraft and related machinery 30.400 Manufacture of military fighting vehicles 30.910 Manufacture of motorcycles 30.920 Manufacture of bicycles and invalid carriages 30.990 Manufacture of other transport equipment n.e.c.
31	Manufacture of furniture
32	32.300 Manufacture of sports goods. Only the part that applies to rubber and plastic products 32.400 Manufacture of games and toys. Only the part that applies to rubber and plastic products 32.500 Manufacture of medical and dental instruments and supplies 32.990 Other manufacturing n.e.c.
33	33.110 Repair of fabricated metal products 33.120 Repair of machinery 33.130 Repair of electronic and optical equipment 33.140 Repair of electrical equipment 33.150 Repair and maintenance of ships and boats 33.160 Repair and maintenance of aircraft and spacecraft 33.170 Repair and maintenance of other transport equipment 33.190 Repair of other equipment 33.200 Installation of industrial machinery and equipment
35	Electricity, gas, steam and air conditioning supply
36	Water collection, treatment and supply
37	Sewerage
38	Waste collection, treatment and disposal activities; materials recovery
39	Remediation activities and other waste management services



<i>NACE code</i>	<i>Main group or sub-group that only includes parts of the main group</i>
41	41.2 Construction of residential and non-residential buildings
42	Civil engineering
43	Specialised construction activities
45	45.2 Maintenance and repair of motor vehicles 45.403 Maintenance and repair of motorcycles
46	46.77 Wholesale of waste and scrap
49	Land transport and transport via pipelines
52	52.21 Service activities incidental to land transportation 52.221 Operation of harbours of plants 52.223 Offshore supply terminal 52.229 Other services incidental to water transportation 52.23 Service activities incidental to air transportation 52.24 Cargo handling
53	Postal and courier activities
55	55.1 Hotels and similar accommodation
56	56.101 Operation of restaurants and cafes 56.290 Other food services 56.3 Beverage serving activities
61	Telecommunications
75	Veterinary activities
77	77.1 Renting and leasing of motor vehicles
80	80.1 Private security activities 80.2 Security systems service activities
81	81.2 Cleaning activities
84	84.23 Justice and judicial activities – for the prison service only 84.24 Public order and safety activities – for the police only 84.25 Fire service activities



<i>NACE code</i>	<i>Main group or sub-group that only includes parts of the main group</i>
85	Education
86	Human health activities
87	Residential care activities
88	Social work activities without accommodation
95	95.230 Repair of footwear and leather goods. Applies to footwear made of rubber and plastic 95.240 Repair of furniture and home furnishings 95.290 Repair of other personal and household goods. Applies to rubber and plastic goods
96	96.1 Washing and (dry-)cleaning of textile and fur products 96.2 Hairdressing and other beauty treatment. Applies to hairdressing only.

The Labour Inspection Authority may decide that undertakings that, based on their main activity, fall outside the scope of the first paragraph but that also engage in activities mentioned there, shall nonetheless be affiliated to an approved occupational health service for all or some of their activities.

### **Section 13-2. *The employer's use of the occupational health service***

The employer shall ensure that the occupational health service

- a) assists in the planning and implementation of physical and organisational changes in the undertaking, including the establishment, maintenance and adaptation of workplaces, premises, equipment and work processes;
- b) assists in drawing up and amending guidelines for the use of chemicals, machinery, equipment and other work processes;
- c) assists with continuous mapping of the working environment, carries out surveys of the workplaces and work processes and assesses the risk of harm to health;
- d) proposes preventive measures and, together with the undertaking, works on measures to reduce the risk of harm to health;
- e) assists in monitoring and checking the employees' health having regard to their work situation and carries out necessary follow-up;



- f) assists in individual adaptation, including participation in dialogue meetings and preparation of follow-up plans pursuant to Section 4-6 of the Working Environment Act;
- g) assists in providing information and training about relevant risks relating to health, safety and the environment and relevant measures;
- h) assists in connection with enquiries from the employer, safety representative and working environment committee.

### **Section 13-3. *Plans, annual reports and other reports***

The employer shall, in cooperation with the occupational health service, prepare the following documentation to be included in the undertaking's systematic health, safety and environmental work:

- a) plans and annual reports for the occupational health service's assistance to the undertaking;
- b) periodic reports and results of surveys, risk assessments, measurements etc. that describe hazardous working conditions, proposals for preventive measures, and results;
- c) procedures for preparing follow-up plans and adaptation measures.

## **Chapter 14. Duty of notification and health surveillance**

### **Section 14-1. *Requirement for health surveillance***

When warranted by a risk situation, the employer shall provide adequate health surveillance.

Suitable medical examinations of employees shall always be carried out in accordance with the Regulations concerning the Performance of Work when the employees are exposed to:

- hazardous chemicals, cf. Chapter 3;
- fibrous asbestos dust, cf. Chapter 4;
- biological agents, cf. Chapter 6;
- noise or mechanical vibrations, cf. Chapter 14;
- ionising radiation, cf. Chapter 15;
- artificial optical radiation, cf. Chapter 16;
- work under water or under increased ambient pressure, cf. Chapter 26;
- gas, dust or other harmful conditions in connection with rock work, cf. Chapter 27.



Suitable medical examinations in accordance with the second paragraph shall be performed by, or under the supervision of, a competent medical practitioner.

**Section 14-2. *Registration and notification of work accidents and occupational diseases***

The requirement for registration and notification of work accidents and occupational diseases also applies to family-run farms and agricultural undertakings with no employees.

**Section 14-3. *Medical practitioners' duty of notification in building and construction undertakings***

The duty of medical practitioners to notify the Labour Inspection Authority also applies to undertakings in the building and construction industry with no employees.

**Section 14-4. *Examination of employees' eyesight in connection with work at computer screens***

Employees who, on a regular basis and as a material part of their work, work at computer screens, shall be offered eye and eyesight examinations performed by a person with the requisite qualifications:

- before they start working at a computer screen;
- at regular intervals thereafter, if necessary; and
- if they experience sight problems that can be due to their work at the computer screen.

Employees shall be entitled to undergo an examination by an eye specialist if warranted by the outcome of the examination and tests mentioned in the first paragraph.

If warranted by the outcome of the test or examination, and if ordinary eyesight correction aids cannot be used, the employees shall receive special eyesight correction aids that are suited to their work.

The costs of special eyesight correction aids shall be covered by the employer.

**Section 14-5. *The employer's follow-up of the medical examinations***

If an illness or other effect on health is identified through medical examinations that the medical practitioner believes can be due to occupational exposu-



re, the employer shall implement necessary measures and, if necessary, relocate the employee to other work.

**Section 14-6. *Requirement for medical practitioners' competence***

The medical practitioner who performs the medical examination shall have necessary expertise in the area the examination concerns.

**Section 14-7. *The employer's coverage of expenses for medical examinations***

The employer shall cover expenses that are not covered by the Norwegian National Insurance scheme in connection with medical examinations that the employer is to ensure that the employees undergo pursuant to this chapter.

## **Chapter 15. Use of personal protective equipment**

**Section 15-1. *General requirements for the use of personal protective equipment***

The employer shall make adequate personal protective equipment available to the employees if the risk of harm to life or health cannot be avoided by the use of technical installations in the workplace, by changing work methods or by changing work processes.

The employer shall ensure that personal protective equipment is used when adequate protection of the employees' safety, health and welfare cannot be achieved in another manner.

The requirement also applies to undertakings in the building and construction industry with no employees.

**Section 15-2. *Additional requirements for personal protective equipment***

The employer shall furnish personal protective equipment in accordance with the Regulations concerning the Performance of Work in connection with work involving:

- chemicals, see Chapter 3;
- asbestos, see Chapter 4;
- risk of exposure to biological agents, see Chapter 6;
- risk of exposure to harmful noise, see Chapter 14.

The employer shall furnish expedient work clothes as necessary before any handling of dangerous goods in ports.



### **Section 15-3. *Requirements for personal protective equipment***

The employer shall ensure that personal protective equipment that is made available to the employees meets the requirements of the Regulations of 19 August 1994 No 819 relating to the construction, design and manufacture of personal protective equipment, and that it is marked accordingly with the CE mark. Section 49 (2) of these regulations, cf. Section 75 second paragraph of the Facilities Regulations, does not apply to the offshore petroleum activities.

The employer shall ensure that personal protective equipment that is used in the workplace provides satisfactory protection at all times. The employer shall ensure in particular that

- the use of personal protective equipment does not entail an increased risk;
- that it fits or can be fitted to the employee;
- that it is adapted to the relevant working conditions;
- that it does not easily combust or melt where such a risk exists.

If the employer is required to use several types of personal protective equipment at the same time, it must be possible to combine the equipment without reducing the protective effect of the individual equipment units.

### **Section 15-4. *Requirements for maintenance and inspection of personal protective equipment***

The employer shall ensure that procedures are in place for the storage, maintenance, repair and replacement of personal protective equipment, and that the personal protective equipment is in good hygienic condition. If the same piece of personal protective equipment must be used by more than one person, the employer shall ensure that such use does not entail health-related or hygienic problems for the employees.

### **Section 15-5. *Requirement for information about personal protective equipment***

Before personal protective equipment is taken into use, the employer shall inform the employees about what hazards the equipment protects them from and ensure that they receive sufficient, understandable information about its use.



## Chapter 16. Final provisions

### Section 16-1. *Penal sanctions*

Wilful or negligent violation of these regulations or decisions made pursuant to these regulations, or aiding and abetting thereto, is a criminal offence pursuant to Chapter 19 of the Working Environment Act.

### Section 16-2. *Fine for violations*

If anybody acting on behalf of the undertaking violates provisions in these regulations or decisions made pursuant to these regulations, the undertaking may be fined pursuant to Section 18-10 of the Working Environment Act.

### Section 16-3. *Entry into force*

These regulations enter into force on 1 January 2013.

The following regulations are repealed from the same date:

- Regulations of 14 June 1985 No 1410 relating to work in tanks
- Regulations of 19 November 1985 No 2105 relating to the excavation and shoring of trenches
- Regulations of 14 June 1985 No 1157 relating to work with ionising radiation
- Regulations of 10 September 1982 No 1377 relating to technical appliances
- Regulations of 1 November 1966 No 9192 relating to protective structures on tractors
- Regulations of 26 April 2005 No 362 relating to asbestos
- Regulations of 4 April 1973 No 1 relating to the installation of new carbon dioxide systems
- Regulations of 18 April 1974 No 3 relating to the risk of avalanches in occupancy areas and on construction sites
- Regulations of 20 April 1977 No 9193 relating to tractors
- Regulations of 29 April 1977 No 7 relating to safety representatives and working environment committees
- Regulations of 25 May 1977 No 2 relating to the Labour Inspection Authority's consent for the erection and modification of buildings, reorganisation etc.
- Regulations of 25 September 1978 No 5 relating to rest cabins



- Regulations of 7 December 1979 No 7 on adding odorant to oxygen (odorisation) in connection with welding, burning and heat treatment
- Regulations of 14 June 1985 No 1411 relating to work on board marine tankers with inert gas protection in the cargo tanks
- Regulations of 26 April 2006 No 456 relating to protection against noise in the workplace
- Regulations of 19 September 1997 No 1018 relating to regional safety representatives for building and construction undertakings
- Regulations of 15 November 1983 No 1674 relating to inspection, marking and filling of compressed air cylinders for diving and respiratory equipment for diving
- Regulations of 21 March 1986 No 745 relating to application of the Working Environment Act in agricultural and forestry undertakings with no employees
- Regulations of 10 January 1986 No 17 relating to application of the Working Environment Act to work in sole proprietorships in the building and construction sector
- Regulations of 11 April 1986 No 870 relating to local safety representatives and working environment committees for loading and unloading operations
- Regulations of 25 January 2005 No 47 relating to dissociable hexavalent chromium in cement
- Regulations of 14 April 1989 No 335 relating to scaffolds, ladders and work on roofs etc.
- Regulations of 11 February 2009 No 162 relating to the requirement for undertakings in certain industries to have an approved occupational health service
- Regulations of 30 November 1990 No 944 relating to diving
- Regulations of 13 February 1992 No 1263 relating to high-pressure jetting etc.
- Regulations of 24 May 1993 No 1425 relating to the use of personal protective equipment in the workplace
- Regulations of 16 September 1994 No 876 relating to protective structures on old tractors
- Regulations of 6 October 1994 No 972 relating to safety signage and signalling in the workplace



- Regulations of 10 November 1994 No 1053 relating to dock work
- Regulations of 15 December 1994 No 1259 relating to work at computer screens
- Regulations of 16 February 1995 No 170 relating to workplaces and work premises
- Regulations of 20 January 1995 No 156 relating to heavy and repetitive work
- Regulations of 20 April 1995 No 385 relating to work in control rooms
- Regulations of 25 August 1995 No 768 relating to reproductive harm and the working environment
- Regulations of 16 December 1996 No 1315 relating to work at wastewater treatment plants
- Regulations of 30 June 2005 No 794 relating to safety, health and the working environment in connection with rock work
- Regulations of 19 December 1997 No 1322 relating to protection against exposure to biological agents (bacteria, viruses, fungi etc.) in the workplace
- Regulations of 26 February 1998 No 179 relating to welding, thermal cutting, thermal spraying, carbon fettling, soldering and grinding (hot work)
- Regulations of 30 April 1998 No 551 relating to work performed by children and young people
- Regulations of 26 June 1998 No 608 relating to the use of work equipment
- Regulations of 18 December 1998 No 1206 relating to fees for the processing of building applications pursuant to Section 19 of the Working Environment Act
- Regulations of 14 April 2000 No 412 relating to the development and use of substance databases for hazardous substances in industry (the Substance Database Regulations)
- Regulations of 30 April 2001 No 443 relating to protection against exposure to chemicals in the workplace (the Chemicals Regulations)
- Regulations of 6 July 2005 No 804 relating to protection against mechanical vibrations



- Regulations of 10 September 2009 No 1173 relating to the employer's use of an approved occupational health service and approval of occupational health services
- Regulations of 27 April 2010 No 605 relating to protection against artificial optical radiation in the workplace
- Regulations of 16 November 2010 No 1452 relating to regional safety representatives in certain industries
- Regulations of 2 June 1977 No 3219 relating to machinery, equipment and tools







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