Regulations concerning

Regional safety representatives for building and construction activities

Regulations laid down by Royal Decree of
19 September 1997, No. 1018.
Amended last by Regulations of 22 December 2010, No. 1819.

Regulations issued September 1977
English translation September 2004
Directorate of Labour Inspection
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March 2008
Section 14 and 15 have been amended (Regulations No. 1118 of 7 October 2005 and No. 1234 of 21 October 2205). The addresses have been updated.

March 2009
The addresses have been updated.

January 2011
Section 14 has been amended (Regulations No. 1819 of 22 December 2010). The addresses have been updated.

New Working Environment Act – the Act of 17 June 2005 No. 62 relating to working environment, working hours and employment protection, etc.

A new Working Environment Act entered into force on 1 January 2006. Section 20–2 of the new Working Environment Act provides for the continued application of regulations provided pursuant to the previous Working Environment Act, the Act of 4 February 1977 No. 4 relating to Worker Protection and Working Environment, etc. These regulations will thus apply until otherwise provided.

A number of regulations were provided pursuant to the Working Environment Act of 1977. These regulations refer to the penal provisions of this Act. Some regulations also contain other references to the Working Environment Act of 1977. References to the Act of 1977 are also found in introductions/prefaces or comments to the regulations.

The Directorate of Labour Inspection has prepared a table of comparison showing where the provisions of the Working Environment Act of 1977 can be found in the new Act. The table of comparison is available at www.arbeidstilsynet.no or on enquiry to regional offices of the Norwegian Labour Inspection Authority.

Further information is available from the Fund of the Regional Safety Representatives for building and construction activities.

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Innhold

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Regulations concerning regional safety representatives for building and construction activities

Laid down by Royal Decree of 19 September 1997 pursuant to section 2 (7) and section 28, second paragraph of Act No. 4 of 4 February 1977 relating to Worker Protection and the Working Environment, submitted by the Ministry of Local Government and Labour. Amended by Regulations No. 678 of 20 June 2000, No. 127 of 1 February 2002, No. 1118 of 7 October, No. 1234 of 21 October 2005 and No. 1819 2010.

Chapter 1. Introductory provisions

Section 1. Purpose

The purpose of the scheme is to ensure that safety, health and working environment at construction sites comply with the Working Environment Act and with regulations issued pursuant to the Act.

Section 2. Scope and extent

The Regulations shall apply to building and construction activities, including sole proprietorships, where workplaces are temporary or mobile.

The Regulations shall not apply to the petroleum sector.

Section 3. Definitions

a) Building and construction activities:
   1) erection of buildings
   2) fittings and installation work
   3) assembly and disassembly of prefabricated elements
   4) demolition, alteration and repairs
   5) redevelopment and maintenance
   6) general construction activities
   7) excavation, blasting and other earth work
   8) other work carried out in connection with construction work.

b) Sole proprietorship:
   establishment that has no employees.

Section 4. Criminal liability

Infringement of the Regulations constitutes a penal offence, cf. chapter XIV of the Working Environment Act and sections 48 a and 48 b of the Penal Code.

Section 5. Entry into force

These Regulations shall enter into force 1 January 1998. From the same date, Regulations No. 8824 of 13 February 1981 concerning regional safety representatives in the construction sector are repealed.

Chapter 2. General provisions

Section 6. Appointment and dismissal of regional safety representatives

Regional safety representatives for building activities are appointed by the Norwegian United Federation of Trade Unions. Regional safety representatives for construction activities are appointed by the Norwegian Union of General Workers. The regional safety representatives are employed by the trade union federations. The trade union federations notify the Fund Board of who has been appointed.

Regional safety representatives shall function full-time. They are appointed for four years at a time.

The Fund Board, cf. section 15, ensures that the appointed regional safety representatives hold the required qualifications pursuant to section 8.

The Fund Board shall then provide notification of the names of the appointed regional safety representatives to the Directorate of Labour Inspection, the district offices of the Norwegian Labour Inspection Authority and the relevant trade union federations and employers' organizations. The undertakings involved in the scheme shall be notified of the name of the person appointed as regional safety representative in connection with collection of the fee.

The Fund Board for the regional safety representative scheme may decide that a regional safety representative shall be deprived of his or her office if the person concerned clearly and continually fails to perform responsibilities imposed by these Regulations or has grossly abused the office.

The person concerned shall be regarded as the regional safety representative until notification is given in a corresponding manner of the appointment of a new representative or that the safety representative has been dismissed from office.

Section 7. Division into regions and number of safety representatives

As a general rule, there shall be one regional safety representative for building activities and one for construction activities in each district of the Norwegian Labour Inspection Authority. The Fund Board, cf. section 15, may by a unanimous decision make changes in the division into regions and the number of regional safety representatives.

Section 8. Qualifications

Regional safety representatives shall have a minimum of three years' experience of work in one of the occupational groups for which they shall function as regional safety representatives.

They shall also have a minimum of three years' experience as elected employee representatives, of which at least two as safety representatives.

The regional safety representatives are obliged to make themselves familiar with the rules concerning safety, health and working environment that apply to building and construction activities under these Regulations.

Section 9. Powers and responsibilities of regional safety representatives

The regional safety representatives shall work at the workplaces that have not elected safety representatives or established working environment committees in accordance with the provisions of the Working Environment Act.

At workplaces where safety representatives have not been elected, the regional safety representative shall make the employer and employees aware of the obligation to elect safety representatives pursuant to section 25 of the Working Environment Act. If safety representatives are not then elected, the regional safety representative shall notify the Norwegian Labour Inspection Authority.

Until safety representatives are elected for the workplace, the regional safety representative shall have the same powers as the safety representative pursuant to section 26 (1–5) and section 27 of the Working Environment Act. The regional safety representative may take part in the Norwegian Labour Inspection Authority's inspections of the undertaking. The regional safety representatives have corresponding powers in relation to sole proprietorships.

At workplaces with two or more employers at the same workplace where the undertakings have not agreed between themselves which of them shall have responsibility for coordination of the protection and environmental work of the various undertakings, the regional safety representative shall make the employers aware of their responsibility to enter into a written agreement as to

which of them shall have responsibility for coordination, cf. section 15 of the Working Environment Act. If the employers do not then agree as to which of them shall have responsibility for such coordination, the regional safety representative shall notify the Norwegian Labour Inspection Authority.

If working environment committees are not established in undertakings obliged to do so pursuant to section 23 of the Working Environment Act, the regional safety representatives shall make the employer and employees aware of this obligation. If working environment committees are not then established, the regional safety representative shall notify the Norwegian Labour Inspection Authority.

The regional safety representatives shall prepare an annual report on his or her activities to be submitted to the trade union federations.

Section 10. The responsibilities of the trade union federations

The trade union federations shall prepare plans for the regional safety representatives' activities. These plans shall be approved by the Fund Board.

The trade union federations shall submit reports to the Fund Board when so requested by the Board.

The trade union federations shall prepare a collective annual report for their safety representatives to be submitted to the Fund Board.

Section 11. Right to information

Regional safety representatives have a corresponding right to receive information from the undertakings that is held by normally elected safety representatives and otherwise the information considered necessary for the regional safety representative's performance of his or her duties pursuant to section 9 of these Regulations.

Section 12. Instructions

The Fund Board may require the trade union federations to prepare instructi-ons for the regional safety representatives. Such instructions shall be approved by the Fund Board.

The Fund Board lays down instructions for collection of the fee.

Section 13. Duty of confidentiality

Regional safety representatives are subject to a duty of confidentiality pursuant to section 10 of the Regulations No. 7of 29 April 1977 concerning safety representatives and working environment committees.

Section 14. Fees

The scheme shall be financed by payment of fees by employers equal to 0,05 per cent of wage costs to the Fund of the Regional Safety Representatives. The fee shall not be less than NOK 250. Sole proprietorships shall pay a fee of NOK 250.

The Ministry may decide changes in the fee rate. The Ministry may in this connection decide a collection fee to cover the cost of collection of the fee.

Section 15. The Fund Board

The Fund shall be managed by a Board consisting of five members, of which two members shall be appointed by the trade unions, two members by the employers' organizations and one member by the Directorate of Labour Inspection, who shall be Chairman of the Board.

The Fund Board's members are to be appointed for two years at a time.

The Ministry shall decide the fee to be paid to the members of the Board.

The Fund Board shall prepare an annual report on the activities of the regional safety representatives. Annual reports, plans and annual accounts are to be submitted to the relevant central organizations, the Directorate of Labour Inspection and the Ministry.

The Fund Board may initiate studies, analyses and projects that the regional safety representatives may make use of in their work.

Section 16. Coverage of expenses for the activities of regional safety representatives

The Fund Board shall decide each year the reimbursement to the trade union federations of pay and social charges for the regional safety representatives. Likewise, it shall decide the rates for reimbursement of other costs, such as travel, subsistence and information materials.

The trade unions shall cover office expenses and the cost of equipment and training of the regional safety representatives. The Fund Board may however unanimously decide to reimburse the cost of training if this is found reasonable with regard to the nature and scope of the training.

Section 17. Appeals

The decisions of the Fund Board may be appealed to the Ministry.

Regional safety representatives

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Arbeidstilsynet

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Professional answers to questions about health, working environment and safety in the workplace, about holiday entitlement, working hours, employment termination, dangerous chemicals, ergonomics, cranes, machinery, safety delegates, victimisation and much more.
Questions can also be sent via email.
Address: **svartjenesten@arbeidstilsynet.no**

See our web pages: **www.arbeidstilsynet.no** (In Norwegian) or **www.arbeidstilsynet.no/english**

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