



Later changes to the regulation

Legislation the regulation relates to

[See detailed overview](#)

[LBK no. 125 of 06/02/2018](#)

Amends/Cancel

[See detailed overview](#)

[BEK no 1509 of 15/12/2010](#)

Links to EU directives, cf. note 1

[32003L0088](#)

[\(Note\)](#)

Additional documents

Regulations implementing EU directive 32003L0088

All circulars, instructions, etc. for this order

Decisions made in accordance with this legal regulation

Reports from the ombudsman applying this legal regulation

APPLICABLE

BEK no 1204 of 23/10/2015

Ministry of Employment

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Order on certain aspects in connection with the organization of working hours in connection with offshore oil and gas activities, etc.¹⁾

Pursuant to section 51, subsection 4, § 55, subsection 1, and § 72, subsection 1, of the Offshore Safety Act, cf. Executive Order No. 831 of 1 July 2015, is determined after authorization pursuant to § 3, subsection 1, in executive order no. 1193 of 9 October 2015 on the tasks and powers of the Norwegian Working Environment Authority in accordance with the Offshore Safety Act:

Area of application, etc

§ 1. The executive order applies to the employment of employees in connection with offshore oil and gas activities as defined in § 3, subsection of the Offshore Safety Act. 1, No. 16.

PCS. 2. The order also applies to activities in connection with a facility or connected infrastructure, cf. section 3, subsection of the Offshore Safety Act. 1, No. 1 and 29, if the activities are covered by the Act on the Use of Denmark's Subsoil, and these entail safety or health risks.

PCS. 3. The order relates to the employee's employment with the company that has entered into an agreement on employment with the employee, cf. § 4, subsection 2, regardless of who is the employer for the person concerned.

PCS. 4. Employees covered by subsection 1, the rights that follow from this executive order must be secured as a minimum.

Section 2. Section 51, subsection of the Offshore Safety Act. 1 and 2, on maximum average weekly working time and daily rest period, as well as §§ 5 and 7 of this executive order do not apply to employees with management functions or other employees who have powers to make independent decisions, when the length of working hours as a whole as a result of special features for the work performed is not measured or determined in advance, or when the employees themselves can determine it.

Definitions

§ 3. In the executive order, the following shall be understood as:

- 1) Employer: The company that has instructional powers for employees who perform work.
- 2) Working hours: The time during which the employee is at the employer's disposal.
- 3) Rest period: The period of time that is not working time.
- 4) Day off: A rest period of 24 consecutive hours ashore.
- 5) Night period: A period of at least 7 hours, which includes the period between 00.00 and at 05.00. Unless otherwise agreed, the night period is from 22.00 to 05.00.
- 6) Night worker: An employee who
 - a) normally performs at least 3 hours of his daily working time during the night period or
 - b) performs work during the night period for at least 300 hours within a period of 12 months.
- 7) Shift work: Any form of organization of team work, which consists of the employees replacing each other at the same workplaces according to a specific schedule, including in shifts, and which can be continuous or discontinuous, which requires that the employees work on different times over a given period of days or weeks.
- 8) Shift worker: Employee who participates in shift work.
- 9) Offshore work: Work which is mainly carried out on or from a facility or connected infrastructure and which is directly or indirectly related to offshore oil and gas activities.

Chores

§ 4. The company that has entered into an agreement on service relations with an employee must ensure the employee's rights according to this executive order.

PCS. 2. If the employer is someone other than the company mentioned in subsection 1, this must ensure in the organization of the work that the company pursuant to subsection 1 can fulfill its obligations under this executive order.

Days off and the duration of offshore work

§ 5. An employee must, as far as possible, in the immediate extension of the period in which the employee has performed offshore work, have at least 3 consecutive days off for every 14 days the employee has performed offshore work.

§ 6. The duration of offshore work must not exceed 28 consecutive days.

Breaks

§ 7. An employee with a daily working time of more than 6 hours is entitled to breaks of such an extent that the purpose of the breaks is met.

PCS. 2. More detailed provisions for determining breaks, including duration and criteria for granting breaks, can be laid down in collective agreements or agreements between the relevant employer and employee organisation.

PCS. 3. Where there are no provisions on breaks in collective agreements or agreements, the breaks are placed according to the normal guidelines for organizing working hours at the facility and connected infrastructure.

Duration of night work

§ 8. Night workers, whose work is particularly risky or involves significant physical or mental strain, may not work more than 8 hours during a 24-hour period in which they perform, on average, calculated for a reference period of 14 days night work, cf. however section 14, subsection 2.

PCS. 2. Work covered by subsection 1 is defined in connection with the risk assessment in accordance with the executive order on the management of safety and health in connection with offshore oil and gas activities, etc.

Occupational medical examinations and the transfer of night workers to day work

§ 9. Employees must be offered occupational medical examinations before starting employment with night work and thereafter at regular intervals

of less than 3 years.

PCS. 2. The occupational medical examination must be organized and carried out with a view to preventing and combating work-related disorders as a result of night work.

PCS. 3. The examination must be supervised by occupational medicine clinics or departments, including occupational medicine outpatient clinics, or by other similar experts.

PCS. 4. Any expenses in connection with the occupational medical examination pursuant to subsection 1 is borne by the employer. The employer must ensure that the investigation can take place without loss of income for the employee and as far as possible during working hours.

§ 10. The person in charge of occupational medicine examinations, cf. § 9, subsection 3, submits the results thereof to the Norwegian Working Environment Authority and informs the investigated employee of the results. The results must be communicated to the employee in writing upon request. The results must not be left to the employer.

PCS. 2. The Norwegian Working Environment Authority informs the company if the results of the occupational medical examination give rise to new measures, including ongoing health examinations for the employees or measures in connection with the planning and organization of work.

PCS. 3. Examination results for an employee and records on which they are based must be kept by the person in charge of the examinations for at least 40 years after the employee's night work has ended. Storage and possible passing on of the material must also follow the guidelines given by the director of the Norwegian Working Environment Authority in accordance with the working environment legislation, in which a shorter storage period can be set.

PCS. 4. The employee may request to be made aware of the stored information mentioned in subsection 3.

§ 11. Night workers who suffer from health problems which are demonstrably caused by the fact that they perform work during night periods must, when possible, be transferred to day work which suits them.

Information on regular employment of night workers

Section 12. Employers who regularly employ night workers must, on request, inform the Working Environment Authority about this.

Risk management

§ 13. The risk assessment following the executive order on the management of safety and health in connection with offshore oil and gas activities etc. must include an assessment of the special safety and health risks, such as night work, work that is organized according to a special rhythm, and reduction of the daily rest period, cf. § 16, entails. Necessary measures shall be taken to reduce these risks as much as is reasonably practicable.

PCS. 2. The measures pursuant to subsection 1 shall, as far as work organized according to a special rhythm is concerned, take particular account of the general principle that the work must be adapted to the person, in particular with a view to mitigating the effect of monotonous work and work in a fixed rhythm and according the nature of the work to the requirements regarding safety and health, especially with regard to breaks during working hours.

Deviations

§ 14. The daily rest period, cf. the Offshore Safety Act § 51, subsection 2, can be reduced to 8 consecutive hours

- 1) for shift work, when the employee changes shifts and does not have the opportunity to take the daily rest period between the end of one shift's work and the beginning of the other shift,
- 2) for activities that are characterized by several shorter work periods during the day or
- 3) for activities that are characterized by the need to ensure continuous services or continuous production.

PCS. 2. Section 8 of the executive order, subsection 1, may be waived if the night workers in question are granted corresponding compensatory rest periods or, in exceptional cases, appropriate protection, cf. § 17.

§ 15. When natural circumstances, accidents or imminent danger of accidents, machine breakdowns or similar unforeseen events disrupt or have disrupted regular operations, the Offshore Safety Act's § 51, subsection 2, as well as §§ 5-8 of the order, are waived to the extent necessary until regular operations are restored.

PCS. 2. For employees who carry out the treatment and care of persons, the Offshore Safety Act § 51, subsection 2, and sections 6 and 7 of the executive order are waived to the extent necessary.

PCS. 3. Deviations according to subsection 1 or 2 must be registered in a way that is accessible to the Norwegian Working Environment Authority.

PCS. 4. The representatives of the employees in the established cooperation for safety and health at the facility, cf. § 46 of the Offshore Safety Act, must have access to the information in the registrations pursuant to subsection 3 to the extent that the information is important for safety and health

conditions.

Agreements on rest period deviations

§ 16. The relevant employer and employee organization can agree that the daily rest period of 11 hours, cf. the Offshore Safety Act § 51, subsection 2, to a limited extent can be reduced to 8 hours, cf. however § 13.

PCS. 2. It can be agreed between employers who are covered by an agreement pursuant to subsection 1 and employees who are not covered by an agreement pursuant to subsection 1, that the daily rest period of 11 hours, cf. the Offshore Safety Act § 51, subsection 2, to the same extent and under the same conditions as agreed pursuant to subsection 1, can be reduced to 8 hours, cf. however § 13.

PCS. 3. It is a prerequisite to be able to enter into an agreement with an employee pursuant to subsection 2, that it is necessary for the employee to follow the same working hours as the employees covered by the agreement pursuant to subsection 1.

PCS. 4. Agreements pursuant to subsection 1 and 2 must be in writing.

Compensatory rest period etc

§ 17. In the event of deviation according to §§ 14-16, the employees must be granted corresponding compensatory rest periods.

PCS. 2. Where, in exceptional cases, it is not possible for objective reasons to provide compensatory rest periods pursuant to subsection 1, appropriate protection must be provided to the employees concerned.

Dispensation

§ 18. The Norwegian Working Environment Authority may, where special circumstances exist, exempt from this order when it is considered reasonable and fully justified in terms of safety and health and to the extent that it is compatible with the European Parliament and Council Directive 2003/88/EC of 4. November 2003 on certain aspects in connection with the organization of working time.

Punishment

§ 19. Unless a higher penalty is due under the Offshore Safety Act or other legislation, whoever violates §§ 4-6, § 7, subsection 18 pcs. 1, § 9, subsection 1, 3 and 4, § 10, subsection 1 and 3, §§ 11-13, § 15, subsection 3 and 4, or § 17.

PCS. 2. For violation of the provisions in subsection 1, within the framework of Section 71 of the Offshore Safety Act, an employer may be held liable for fines, even if the violation cannot be attributed to the employer as intentional or negligent. It is a condition of liability for fines that the violation can be attributed to one or more persons linked to the company or the company as such. No commutation penalty is determined for such fine liability.

PCS. 3. Companies etc. (legal persons) may be held criminally liable according to the rules in Chapter 5 of the Criminal Code.

Entry into force

§ 20. The order comes into force on 1 November 2015.

PCS. 2. Executive order no. 1509 of 15 December 2010 on certain aspects in connection with the organization of working hours on offshore installations is repealed.

The Norwegian Working Environment Authority, 23 October 2015

Peter Vesterheden

/ Katrine Krone

official note

²⁾ The order contains provisions that implement parts of the European Parliament and Council Directive 2003/88/EC of 4 November 2003 on certain aspects in connection with the organization of working time, Official Journal of the European Union 2003, No. L 299, page 9.

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