Regulations relating to safety delegates and working environment committees. Laid down by Royal Decree 29 April 1977 pursuant to section 3, subsection 2, sections 23-26 and section 29, subsection 2, of Act 4 February 1977 no 4 relating to worker protection and working environment etc. Last amended by Royal Decree 20 December 2002 no 1621.

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Section 1
Scope
These regulations shall apply to activities in areas as mentioned in the working environment Act chapter VII sections 23-26 and section 29 subsection 2, and in areas as mentioned in the regulations relating to health, environment and safety in the petroleum activities (the framework regulations) section 2 subsection 1 litera d, with the exception of appendix section 1 litera a to the framework regulations.

The regulations apply on Svalbard.

Section 2
Election of safety delegates
1. Safety delegates shall be elected among able and competent employees at the enterprise, with experience and understanding of its working conditions. They should be elected among employees who have been employed by the enterprise for the last two years.

Safety delegates shall be elected by and among the employees of each safety area. With the exception of the chief executive of the enterprise, all employees have the vote. Groups of employees who work in several safety areas, may elect their own safety delegate for areas not covered by other safety delegates.

2. The workplace shall be divided into safety areas by the working environment committee. In enterprises with no working environment committee, this shall be done by the local trade union (workplace branch) after the employer has expressed his or her opinion. If there are several local trade unions at enterprises, they decide together the division into safety areas, after the employer has expressed his or her opinion. The division shall be decided by the employer in the event that the unions fail to reach agreement. If there is no local trade union, the division shall be decided by representatives appointed by the employees, after the employer has expressed his or her opinion.

3. In safety areas where the majority of the employees are represented by one single local trade union, safety delegates may be appointed by that trade union.

In safety areas where the majority of the employees are represented by several trade unions, but where not one of these represents the majority alone, safety delegates may be jointly appointed by these trade unions.

4. Safety delegates shall otherwise be elected by majority vote. The election shall be conducted by an election committee for the whole enterprise. The election committee shall be appointed by the working environment committee. In enterprises with no 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 jointly appointed by these unions. If these trade unions fail to reach agreement, the employer shall appoint the election committee. In enterprises with no local trade union, the election committee shall be appointed by the employer.

Any employee within a safety area and local trade unions representing employees within that safety area, are entitled to propose candidates. The names of candidates and their proposers shall be announced by the election committee before the election. If votes are equally divided, lots shall be drawn to decide the election. Rules relating to elections shall be stipulated by the election committee unless stipulated by the working environment committee of the enterprise.

Deputies for safety delegates may be elected. The rules which apply to safety delegates, shall then be applicable to deputies correspondingly.

5. If the employees refuse to elect safety delegates, safety delegates shall be appointed by the employer. These safety delegates shall hold office until safety delegates have been elected by the employees in accordance with the rules above, but not for more than two years at a time.

6. In enterprises which are required to establish working environment committees, but have not done so yet, the provisions of the second and following sentences of subsection 2 of this section and of the fifth and following sentences of subsection 4, shall apply until such committees have been established.
Section 3
Terms of office of safety delegates
Safety delegates shall be elected for two years at a time. If a safety delegate leaves the enterprise or transfers to work permanently in another safety area, that delegate shall resign office. A new safety delegate shall then be elected immediately, unless a deputy has been elected. The deputy shall then take office as safety delegate for the remaining period of office.

The management of the enterprise shall be notified in writing of the names of those who have been elected safety delegates. An employee cannot be claimed recognized as safety delegate until such notification has taken place. Until the management has been notified of a new election, the previously elected person is to be regarded as safety delegate.

Section 4
Duties of safety delegates
Safety delegates shall work to implement the objectives of the working environment Act and otherwise perform their duties pursuant to section 26 of the working environment Act.

Safety delegates are entitled to use the time necessary to perform their duties properly.

At enterprises with no working environment committee, safety delegates shall also
1) evaluate and express their opinion on the matters mentioned in section 24, subsection 2, of the working environment Act,
2) review reports relating to occupational diseases, occupational accidents, occupational hygiene inspections etc as mentioned in section 24, subsection 3, of the working environment Act. Safety delegates shall take part in trying to establish the cause of occupational accidents or diseases, and shall see to that the employer takes steps to prevent recurrences.

In such cases safety delegates shall have the same access to Labour Inspection and police inquiry documents as working environment committees.

Section 5
Senior safety delegates
1. Senior safety delegates may either be elected among one of the safety delegates or among other employees who hold or have held office in the enterprise, cf section 25, subsection 3, of the working environment Act.
2. At enterprises where a local trade union represents a majority of the employees, the senior safety delegate shall be appointed by that trade union.

At enterprises with several local trade unions which together represent a majority of the employees, but where no union alone represents a majority, the senior safety delegate may be jointly appointed by these unions. If they fail to reach agreement, the rule in subsection 3 shall apply.
3. If the conditions of subsection 2 are not met, senior safety delegates shall be elected by the safety delegates. If votes are equally divided, lots shall be drawn to decide the election.
4. Senior safety delegate deputies shall be elected. The rules which apply to senior safety delegates, shall be applicable to deputies correspondingly.
5. Senior safety delegates shall be responsible for coordinating the activities of safety delegates. Matters relating to several safety areas shall be referred to the senior safety delegate. Any question as to which safety delegate shall handle a case, shall be settled by the senior safety delegate.

Otherwise, the rules stipulated for safety delegates shall apply correspondingly to senior safety delegates.

Section 6
Election of working environment
1. Enterprises that regularly employ at least 50 employees, shall have working environment committees with an equal number of representatives from both the employees and the employer, cf section 23 of
the working environment Act.

Decisions as to whether working environment committees shall be established, are to be based upon
the average number of employees employed during the last calendar year. When calculating the
number of employees, all employees who work at least 20 hours a week, shall be included.

2. Employers shall appoint their representatives on the committee. The employer, the person who is in
charge of the enterprise in the employer’s stead, or, in the case of large enterprises, a person from the
top management, shall always be a member of the working environment commit tee.

3. The senior safety delegate shall be one of the employee representatives on the committee and shall be
entitled to vote. If there are several senior safety delegates at the enterprise, they shall elect a joint
representative. If the enterprise has only one safety delegate, this delegate shall be a member of the
committee. Employees elect their other representatives by majority vote. Only employees of the en-
terprise may be elected.

With the exception of the person who is in charge of the enterprise in the employer’s stead, all
employees are entitled to vote in the election.

4. The election shall be by written, secret ballot. The election shall be conducted by a committee as
mentioned in section 2, subsection 4.

Any employee and any local trade union may propose candidates. The election committee shall
announce the names of candidates and proposers before the election.

Ballot papers shall be drawn up by the election committee. Votes may only be cast for the number
of employee representatives and deputies to be elected (cf section 6, subsection 7). Votes may be cast
for the proposed candidates only.

Those who receive the greatest number of votes, are elected in the order indicated by the number of
votes. If votes are equally divided, lots shall be drawn to decide the election.

5. At enterprises with several local trade unions, two or more trade unions which together represent a
majority of the employees, may agree that the election shall be by proportional representation or that
employee representatives on the working environment committees shall be appointed by the trade
unions. If such an agreement is not entered into, election shall be by majority vote.

The Directorate of Labour Inspection may exempt from this provision.

6. Safety and health personnel, cf section 30 of the working environment Act, may not be elected as
employer or employee representatives. Safety officers and company doctors shall be permanent
members of the committee. The committee shall decide whether other safety and health personnel (eg
safety inspectors, physiotherapists, company nurses) shall also be members. At enterprises with no
safety officers or company doctors, other safety and health personnel, if such personnel are employed,
shall be permanent members of the committee.

7. Members of working environment committees shall have deputies. Deputies for employers shall be
appointed by them and come from the top management of the enterprise. Deputies for employee
representatives shall be elected or appointed according to the rules in section 6, subsections 4 and 5. 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 received. The deputy receiving
the majority of the votes, will become personal deputy for the member who received most of the
votes, and so on.

8. If the parties fail to agree as to whether the chairman for the first year shall be an employer or an
employee representative, lots shall be drawn to determine this.

9. When working environment committees consider matters of particular relevance to a group of
employees not represented on the committee, representatives shall be summoned from that group.
These representatives shall be entitled to speak and submit proposals, but are not entitled to vote. This
rule shall also apply to the groups mentioned in section 3, subsection 2, of the working environment
Act (cf also section 14).

Section 7
Concerning several committees
1. At enterprises which have several separate operational units, the working environment committees may decide that local working environment committees shall be elected for each unit. The working environment committee for the enterprise as a whole shall stipulate the duties and decision-making authority of local working environment committees. Otherwise, the rules stipulated in these regulations for working environment committees, shall apply.

2. Working environment committees may appoint sub-committees to consider particular problems (e.g., rehabilitation committees, ergonomics committees etc). Sub-committees shall have an advisory capacity in relation to the working environment committee. The working environment committee may nevertheless decide that individual sub-committees shall have a certain decision-making authority.

Section 8
Terms of office
Members of working environment committees shall be elected for two years at a time. If committee members leave the enterprise, they shall resign office. In that case their deputies become members for the remaining period of office.

Section 9
Duties of working environment committees
Working environment committees are decision-making and advisory bodies as regards the implementation of the working environment legislation in enterprises.

Apart from the duties specifically mentioned in section 24 of the working environment Act,
- committees shall participate in preparing a programme for the safety and environmental work in enterprises,
- committees or representatives from committees shall conduct inspections at enterprises to map and evaluate the need for safety and environmental measures. Safety delegates and foremen for the individual areas of enterprises should participate in inspections of the areas for which they are safety delegates or foremen,
- committees shall give advice concerning the priority ranking of the working environment related plans of enterprises, and propose new measures,
- committees shall establish guidelines for introducing newly engaged employees to matters relating to safety and environmental work in enterprises, and see to that employers arrange training for new employees as soon as possible after engagement,
- committees shall also work to give employees of enterprises an understanding of working environment problems and try to make them take part in safety and environmental work.

In such cases as mentioned in section 24, subsection 3, of the working environment Act, committees shall normally have access to Labour Inspection and police inquiry documents. The Labour Inspection or the police shall determine the extent to which such documents shall be made available. Any information received by committees from the Labour Inspection or from the police shall be used exclusively to the extent necessary to determine the cause of an occupational accident.

In case of doubt as to whether planned alterations to premises, production processes, machinery etc are substantial alterations as should be reported to the Labour Inspection pursuant to section 19, second paragraph, of the working environment Act, working environment committees shall express their opinion.

Section 10
Work of working environment committees
Working environment committees themselves shall decide how often meetings are to be held. Normally, four meetings shall be held each year. If at least two committee members require it, working environment committees shall hold a meeting.

Committees shall take matters up for consideration at their own initiative or when requested by safety delegates. Any other employee may also turn to the committees with a working environment problem.

Committees discuss matters that are under consideration, primarily with a view to reaching agreement.
If members of committees are unable to reach agreement, the matter shall be put to the vote.

Minutes of working environment committee meetings shall be taken. When ballots are held, the views of both the majority and the minority shall be recorded.

Section 11
Duty of secrecy
Safety delegates and working environment committee members have a duty to prevent other parties from gaining access to or learning of any knowledge which has been obtained by them in connection with the pursuit of their duties as regards
1) the personal affairs of any person, or
2) technical appliances, production methods, commercial analyses, calculations and other commercial secrets, when the nature of the information is such that it could be exploited by others in their own business activities.

This duty of secrecy does not apply if they obtain consent from the enterprise or the person concerned to make the information available, or if this is necessary in order to inform affected employees or members of organisations within the enterprise of the danger of accidents or health hazards at the enterprise.

Working environment committees may decide that their members shall be bound by a duty of secrecy. The exceptions from the duty of secrecy in the second paragraph shall apply correspondingly.

If safety delegates or committee members are in doubt as to whether making information available will do any harm, they shall consult the person the information concerns.

Section 12
Training of safety delegates and working environment committee members
1. Safety delegates and working environment committee members shall receive the training necessary to enable them to perform their duties in a satisfactory manner, cf section 29, subsection 2 of the working environment Act. The training shall
   a) include an introduction to the manner in which safety and environmental work shall be conducted,
   b) provide knowledge of ergonomics, noise, lighting, indoor air quality and measures to promote job satisfaction,
   c) provide knowledge of protection against accidents, including preventive measures, use of personal protective equipment etc,
   d) provide introduction to and information about the working environment Act and other Acts and regulations in force in this area.

   If chemical substances as mentioned in section 11 of the working environment Act are used, training which covers the possible health hazards of these substances, shall be given.

2. Further training shall be given in the subjects which are mentioned in subsection 1, and which are of particular importance to the working environment in the enterprise concerned, insofar as this is necessary to enable safety delegates and members of working environment committees to perform their duties satisfactorily.

   Moreover, special training should be provided for safety delegates in safety areas with particularly complicated working environment problems. Senior safety delegates shall receive at least the same training as other safety delegates in the enterprise, plus the training necessary to enable them to perform their duties pursuant to section 5 of these regulations.

3. Practical problems associated with the implementation of training, shall be settled in co-operation between employers and elected representatives of the employees, or by agreement between employer organizations and trade unions entitled to submit recommendations pursuant to section 11 of the labour disputes Act. If there are no elected representatives at enterprises, the employer shall settle this with those who are going to participate in the training.

4. The duration of the training shall be at least 40 hours. A shorter training period than 40 hours may be
agreed upon if the parties together reach the conclusion that this will be satisfactory, considering the nature and scope of the problems.

In case working conditions necessitate more extensive training of safety delegates or working environment committee members than that decided by the enterprise, the Labour Inspection may order the employer to see to this. Moreover, the Labour Inspection may stipulate minimum requirements to training in special trades and types of enterprises.

5. Safety delegates and employee representatives on working environment committees shall be entitled to undergo the stipulated training at courses given by organizations of the employees.

6. Training shall be provided as soon as possible after election, preferably during working hours. The cost of training shall be borne by the employer. When training takes place during working hours, the participants shall be allowed time off with full pay. When training takes place during off-duty time, participants shall receive pay as for ordinary working hours, without any overtime pay for the actual hours of training.

7. In cases where training is not planned or is not implemented, the Labour Inspection may require the employer to implement training pursuant to this section and in so doing may stipulate the contents and scope of the training.

Section 13
Enterprises with other collaborative bodies

At enterprises that already have a collaborative body, employers and local trade unions which together represent a majority of the employees, may agree that the body shall act as working environment committee.

If there are no local trade unions, or trade unions represent a minority of the employees, the employees may appoint representatives who alone or in collaboration with trade unions, shall conclude such agreements with employers.

In order that another collaborative body may act as working environment committee, the following conditions must be met:

a) employers and employees shall have an equal number of representatives on the committee. If other groups are represented on the committee, their representatives shall not be entitled to vote on matters relating to working environment,

b) employers must be represented as prescribed in section 6, subsection 2,

c) the senior safety delegate shall be one of the employee representatives, cf section 6, subsection 3,

d) safety and health personnel shall be represented, but are not entitled to vote, cf section 6, subsection 6.

If the conditions can be met by supplementing the committee, the committee may act as working environment committee when so supplemented.

Section 14
Special groups

By means of additional regulations it may be stipulated provisions relating to how the groups mentioned in section 3, subsection 2, of the working environment Act (students, national servicemen, persons performing civil services in lieu of national service, inmates, patients and placed persons) shall be able to participate in safety and environmental work.

Representatives from these groups may not be elected as safety delegates or as members of the working environment committees unless so stipulated in additional regulations. Neither are they entitled to vote at the election of safety delegates and working environment committees, nor shall they be included in the basis for counting when determining whether enterprises have the employees required for establishing working environment committees, unless otherwise stipulated in additional regulations.

Section 15
Entry into force

These regulations enter into force at the same time as chapter VII of the working environment Act enters
into force.