

Construction Client Regulations

Chapter 1. Introductory provisions

Section 1. Purpose

The purpose of the Regulations is to protect employees from risks by paying regard to safety, health and working environment on construction sites in connection with planning, project preparation and execution of building or civil engineering works.

Section 2. Scope and extent

The Regulations shall apply to any workplace where building or civil engineering works of a temporary or mobile nature are carried out.

Section 3. Persons to whom the Regulations are addressed

Construction clients, coordinators, designers, employers and one-man enterprises shall ensure compliance with the provisions of these Regulations. The same shall apply to representatives of the client. If the client is a consumer, see section 4 (d), only section 10 concerning prior notice shall apply.

Section 4. Definitions

For the purposes of these Regulations, the following definitions shall apply:

- a. a. building or civil engineering works
 1. 1. construction of buildings
 2. 2. fitting out, decoration and installation work
 3. 3. assembly and disassembly of prefabricated elements
 4. 4. demolition, disassembly, alterations and restoration work
 5. 5. redevelopment and maintenance
 6. 6. general construction work
 7. 7. excavation, blasting and other groundwork
 8. 8. other work carried out in connection with construction activities.
- b. b. client: any natural or legal person for whom a construction project is carried out.
- c. c. client's representative: any natural or legal person who performs specific tasks pursuant to these Regulations on behalf of the client in accordance with a written agreement with the client.
- d. d. consumer: a natural person who does not primarily act in the course of commercial activity.
- e. e. coordinator: any natural or legal person responsible for coordination of project preparation or execution on behalf of the client.

f. f.

designer: any natural or legal person commissioned to draw, calculate, plan or describe the whole or parts of the building or installation to be constructed.

g. g.

one-man enterprise: undertaking that has no employees.

Chapter 2. The responsibilities of the client

Section 5. General responsibilities

The client shall ensure that the regard for safety, health and working environment at the construction site is safeguarded. During planning and project preparation, the client shall particularly safeguard safety, health and working environment in connection with

a. a.

the architectural, technical or organisational choices made

b. b.

describing and paying regard to risk factors of relevance for the work to be carried out

c. c.

setting aside sufficient time for planning and executing the various work operations.

During execution of the works, the client shall safeguard considerations regarding safety, health and working environment in connection with coordination of the work of the undertakings at the construction site.

The client shall ensure compliance with the responsibilities imposed by these Regulations on the coordinator, designers, employers and one-man enterprises.

Section 6. Risk factors

The risk factors revealed during planning and project preparation shall be accounted for in the tender documents, see section 5, second paragraph, (b).

Section 7. Plan for safety, health and working environment

Before commencing work at the construction site, the client shall ensure preparation of a written plan for safety, health and working environment describing how risk factors in the project are to be dealt with.

The plan for safety, health and working environment shall be easily available and be made known at the workplace. The plan shall be kept for six months following completion of the building or civil engineering works.

Section 8. Requirements regarding the plan for safety, health and working environment

The plan for safety, health and working environment shall be based on risk assessments, be adapted to the building or civil engineering works concerned and shall include

a. a.

an organisational chart indicating the distribution of roles and the form of contract

b. b.

a progress plan describing when and where the various work operations are to be carried out, see section 5, second paragraph, (c), and paying regard to coordination of the various work operations

c. c.

specific measures associated with activities that may involve risks to life and health, such as

1. 1.

work near underground installations

2. 2.

work near high voltage power lines and electrical installations

3. 3.

work at locations with passing traffic

4. 4.

work where employees may be exposed to landslides or sinking in mud

5. 5.

work involving the use of explosives

6. 6.

work in wells, underground earthworks and tunnels

7. 7.
work exposing employees to the risk of drowning
8. 8.
work in caissons with a compressed-air atmosphere
9. 9.
work involving use of diving equipment
10. 10.
work where persons may be put at risk of landslides, sinking in mud or being injured by falls or falling objects
11. 11.
work involving demolition of load-bearing structures
12. 12.
work involving the assembly or disassembly of heavy prefabricated elements
13. 13.
work involving risk of hazardous exposure to dust, gas, noise or vibrations
14. 14.
work that puts employees at risk from chemical or biological substances which may involve a strain on the safety, health and working environment or involve a legal requirement for health monitoring
15. 15.
work with ionising radiation requiring the designation of controlled or supervised areas
16. 16.
work involving fire and explosion hazards.

- d. d.
procedures for deviation handling.

The client shall ensure continuous updating of the plan in the event of changes of relevance for safety, health and working environment.

Section 9. Preventive measures

In connection with the work at the individual construction site, the client shall particularly require

- a. a.
that necessary measures are taken to prevent unauthorised persons from gaining access to the construction site
- b. b.
that regard is paid to other undertakings at or near the construction site
- c. c.
good order and a satisfactory state of cleanliness
- d. d.
safe access to the workplaces and safe traffic routes
- e. e.
demarcation and laying out of areas for storage of various materials, particularly hazardous materials or substances
- f. f.
maintenance, pre-commissioning checks, and checks on installations and equipment with a view to correction of faults that may affect the employees' safety, health and working environment
- g. g.
storage, handling and removal of waste and hazardous materials
- h. h.
satisfactory working-hour arrangements
- i. i.
satisfactory staff rooms
- j. j.
adequate accommodation.

Section 10. Prior notice

If the work is scheduled to last for more than 30 working days or if the volume of work is scheduled to exceed 500 person-days, the client shall ensure that, at the latest one week prior to commencement of the work, prior notice of the building or civil engineering works is given to the Norwegian Labour Inspection Authority on the form prescribed for that purpose. If the client is a consumer, the prior notice shall be provided by the undertaking that takes on the building or civil engineering works.

The prior notice shall be clearly displayed at the construction site and kept up to date. The prior notice shall contain the following information:

- a. a.
date the notice is given
- b. b.
exact address of the construction site
- c. c.
name and address of the client
- d. d.
name and address of the client's representative
- e. e.
type of project
- f. f.
coordinator's name and address
- g. g.
planned date for commencement of work at the construction site
- h. h.
planned duration of the work at the construction site
- i. i.
estimated maximum number of employees simultaneously at the construction site
- j. j.
planned number of contractors and one-man enterprises at the construction site
- k. k.
details of the contractors already selected.

Section 11. Internal control

The client may require undertakings to carry out systematic health, environmental and safety activities, see the Regulations of 6 December 1996 No. 1127 concerning systematic health, environmental and safety activities in undertakings (Internal Control Regulations).

Section 12. Documentation for future work

The client shall ensure the preparation of documentation for the building or installation concerning matters that may have significance for safety, health and working environment in connection with future works. The documentation shall describe the design and structure of the building or installation and the building products used. The description shall have the necessary scope to safeguard safety, health and working environment in connection with operation, maintenance, alterations and demolition.

Section 13. Designation and follow-up of the coordinator

If two or more undertakings are working at the construction site simultaneously or in succession, work on safety, health and working environment shall be coordinated. In such cases, the client shall designate a coordinator for the whole project, or one for the project preparation phase and one for the execution phase, to carry out the coordination on behalf of the client in accordance with sections 14 and 15 of these Regulations.

The client may choose to hold the role of coordinator. Designation of a coordinator will not exempt the client from its responsibility in this area.

Prior to designating a coordinator, the client shall consider whether the designated person has other responsibilities that may conflict with the role of coordinator.

By means of a written agreement, the client shall clarify what responsibilities and authority the coordinator shall have. The client shall regularly follow up the coordinator to ensure that he fulfils his responsibilities.

The coordinator shall have the necessary knowledge of safety, health and working environment, including working environment legislation. The coordinator for the execution phase shall in addition have practical experience of building or civil engineering works.

Section 14. Coordination

Coordination during the project preparation phase includes:

- a. a.
coordinating the project preparation in order to safeguard considerations regarding safety, health and working environment
- b. b.
ensuring that there is a plan for safety, health and working environment.

Coordination during the execution phase includes:

- a. a.
following up risk factors in the client's plan for safety, health and working environment
- b. b.
following up the preparation of schedules to ensure that sufficient time is set aside for execution of the various work operations
- c. c.
following up compliance by employers and one-man enterprises with the plan for safety, health and working environment
- d. d.
coordinating work by employers and one-man enterprises whereby they may affect each other with regard to safety, health and working environment, including cooperation between employers and one-man enterprises
- e. e.
ensuring that employers follow up compliance with the requirements of section 9
- f. f.
ensuring that lists are kept of persons employed at the construction site, see section 15.

Section 15. Lists of persons employed at the construction site

As part of the coordination, a list shall be compiled of all who perform work at the construction site. This list shall be compiled electronically and checked daily, and shall contain the following information:

- a. a.
name and address of the construction site
- b. b.
name of the client
- c. c.
names of employers or one-man enterprises or, in the case of hired workers, the name of the undertaking hiring the workers
- d. d.
organisation numbers of undertakings subject to registration
- e. e.
names and dates of birth, and HSE-card number of all persons performing work at the construction site.

The lists shall be available and shall on request be shown to the employer, the safety representative, the Norwegian Labour Inspection Authority and the Norwegian tax authorities. The lists shall be kept for six months following completion of building or civil engineering works.

Section 16. Carrying out responsibilities on behalf of the client

The client may agree in writing that a legal or natural person shall on behalf of the client carry out specific responsibilities pursuant to these Regulations (client's representative).

The client shall consider whether the client's representative has other responsibilities that may conflict with the tasks that the person concerned shall carry out on behalf of the client.

Chapter 3. The responsibilities of the designer

Section 17. General responsibilities

During performance of his or her assignments, the designer shall assess risk in respect of factors associated with safety, health and working environment at the construction site. The regard for safety, health and working environment shall be safeguarded through the choice of architectural or technical solutions. The factors that may have significance for future works shall be documented, see section 12.

If risk factors may arise that require specific measures, see section 8, first paragraph, (c), of the Regulations, this shall be described and be reported to the client.

Chapter 4. The responsibilities of employers and one-man enterprises

Section 18. General responsibilities

Employers and one-man enterprises shall comply with the plan for safety, health and working environment and the instructions of the client or coordinator.

While planning the execution of work, employers and one-man enterprises shall pay regard to necessary risk assessments and continuously assess risk in respect of risk areas identified in the client's plan for safety, health and working environment. They shall inform the client of risk factors not described in the plan.

The employer shall ensure implementation of the preventive measures laid down in section 9.

The employer shall incorporate relevant parts of the plan for safety, health and working environment in the undertaking's system for internal control, see the Regulations of 6 December 1996 No. 1127 concerning systematic health, environmental and safety activities in enterprises (Internal Control Regulations). This incorporation shall be carried out in such a way that it is possible to identify the relevant provisions of the plan.

Employers and one-man enterprises shall inform the client concerning any deviations from the plan for safety, health and working environment that may have significance for employees' safety, health and working environment.

Section 19. Obligation to inform

The employer shall inform the safety representative concerning the plan for safety, health and working environment before commencing building or civil engineering works.

The employees and the safety representative shall in a comprehensible manner be informed concerning all measures to be taken with regard to safety, health and working environment at the construction site.

Chapter 5. Penalties

Section 20. Penalties

Wilful or negligent violations of these Regulations or of decisions made pursuant to these Regulations or complicity with such violations shall be subject to penalties pursuant to chapter 19 of the Working Environment Act.

Chapter 6. Final provisions

Section 21. Entry into force and transitional provisions

The Regulations enter into force on 1 January 2010.

From the same date, the Regulations of 21 April 1995 No. 377 concerning safety, health and working environment at construction sites (Construction Client Regulations) will be repealed.

For building or civil engineering works where the Norwegian Labour Inspection Authority has received prior notice by 1 January 2010, the client may instead choose to comply with the provisions of the Regulations of 21 April 1995 No. 377 concerning safety, health and working environment at construction sites (Construction Client Regulations).