

Regulations relating to genetic defects and working environment. Laid down by Royal Decree of 25 August 1995 pursuant to Act of 4 February 1977 no 4 relating to Worker Protection and Working Environment Section 7, subsection 2, Section 12, subsection 5, Section 14, third paragraph and Section 80, subsection 2. Last amended 19 December 2003 no 1596.

CHAPTER I INTRODUCTORY PROVISIONS

Section 1 Purpose

The purpose of these regulations is to protect the employees against genetic defects and the risk of genetic defects due to influences in the working environment.

Section 2 Scope

These regulations apply to enterprises where employees because of their work are, or may be exposed to genetic defects because of influences in the working environment.

These regulations are applicable to petroleumactivities.

Section 3 Definitions

In these regulations is meant by

- a) *genetic defect*: a defect in the individual's ability to reproduce or defect/disease inflicted on the child because of
 - influences prior to birth
 - influences through mother's milk.
- b) *influences in the working environment*: all physical, psychic and organisational conditions in the working environment which may inflict genetic defects in accordance with item a) above.

Section 4 Supervisory authority

The Labour Inspection and the Petroleum Safety Authority Norway supervise activities within their areas of regulatory authority to ensure that the provisions of the regulations are complied with.

Section 5 Amendments

The Directorate of Labour Inspection may stipulate amendments to these regulations.

Section 6 Dispensation

The Labour Inspection and the Petroleum Safety Authority Norway may, within their areas of regulatory authority, dispense from the provisions of these regulations if it is found secure to do so, protectively speaking.

Section 7 Penal provisions

Violation of the provisions of these regulations is liable to punishment, cf. Chapter XIV of the Working Environment Act and Sections 48A and 48B of the Criminal Code.

Section 8
Entry into force

These regulations enter into force immediately.

CHAPTER II
GENERAL PROVISIONS

Section 9
Risk assessment

1. The employer shall make sure that it is assessed if influences in the working environment may give risk of genetic defects in employees. If such risk exists, the employer shall make sure that the genetically defective influences are defined. The employer shall assess the total risk of genetic defects and decide which protective and safety measures that are to be implemented.
2. The employer shall make sure that the kind of assessment which is mentioned in subsection 1, is repeated regularly and when changes take place in matters which may have an effect on the risk of genetic defects being inflicted on the employees.

Section 10
Implementation of measures

1. The employer shall, if the nature of activity permits it, make sure that it is avoided that employees are exposed to genetically defective influences in the working environment.
2. If it is not technically or organisationally possible to avoid that the employees are exposed to genetically defective influences in the working environment, the employer shall make sure that necessary protective and safety measures are implemented. Included in these is, if necessary, use of personal protective equipment. The measures that are implemented, shall be based on the risk assessment which is mentioned in Section 9.
3. Pregnant and nursing employees must under no circumstances be put to work if the risk assessment shows that the work may entail risk of genetic defects.

Section 11
The employer's duty to inform

If the risk assessment which is mentioned in Section 9, shows that the employees are or may be exposed to genetic defect, the employer shall make sure that the employees are given necessary information about these matters, included information about how they can protect themselves against such hazard. This kind of information shall also be given at the time of employment.

Section 12
Transfer of employee

1. The employer shall make sure that pregnant and nursing employees are transferred to other work if effects in the working environment may give risk of influences genetic defects in the child.
2. The employer shall also, if it is necessary and practically possible, make sure that an offer of transfer to other work is given to men and non-pregnant women who are of fertile age.
3. The employer shall, as far as it is technically possible, make sure to arrange matters so that transferred employees may return to their ordinary work as soon as possible without running the risk of genetic defects. Such arrangement of the workplace and the working environment may imply that new protective and safety measures are implemented, cf. the provisions of Section 10.
4. When transfer in accordance with items 1-3 above is not possible, the employer shall document this in writing.