Regulation of 25 April 2002 No. 423 concerning work by and placement of young people on Norwegian ships

Chapter 1
General provisions

§ 1
Scope of application
The provisions of this Regulation apply to work in general, and work by apprentices under their contracts or as part of secondary education, by young people under the age of 18 on Norwegian ships, including fishing vessels. The Regulation applies accordingly to young people of at least 14 years of age who are placed on ships engaged on domestic voyages under work/training schemes as part of schooling or occupational orientation in practical work. The provisions of this Regulation shall apply in addition to the general provisions of Regulation of 1 January 2005 No. 8 concerning the working environment, health and safety of workers on board ship and the regulations currently in force concerning hours of work and rest on board Norwegian passenger and cargo ships, etc.
Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

§ 2
Definitions
For the purpose of this Regulation, the following definitions shall apply:
a) “young person” or “young people” means any employee under the age of 18.
b) “placement on ships engaged on domestic voyages under work/training schemes as part of schooling or occupational orientation in practical work” means placement where such work cannot prejudice the health or development of young people, or under work practice schemes of primary and lower secondary schools or the occupational orientation programmes of the Norwegian Labour and Welfare Administration (NAV).
Amended by Regulation of 28 June 2006 No. 855 (in force on 1 July 2006).

§ 3
Duties
The company, the master and other persons working on board shall see to, ensure and contribute to compliance with this Regulation in accordance with the provisions relating to responsibility laid down in the Ship Safety and Security Act and this Regulation.
Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

§ 4
Exemptions
In exceptional cases, the Norwegian Maritime Directorate may, upon written application, grant exemption from the provisions of this Regulation as set out in § 8 third paragraph, § 9 seventh paragraph, § 10 third paragraph, and § 11 fourth paragraph where justifiable from the point of view of health and safety. The provisions from which exemption may be granted are not mandatory in the case of work carried out by apprentices under approved contracts or as part of secondary education.

Chapter 2
Protection of young people at work

§ 5
Risk assessment and preventive action
The company and the master shall prior to concluding an employment contract or in the event of major changes in working conditions see to it and ensure that an assessment is made of any environmental factors that may pose a risk of injury to young workers.
In making the assessment, due consideration shall be given to the special risk posed by the young person’s lack of experience or lack of awareness of existing or possible hazards or the fact that the person has not yet fully matured. Particular attention must be paid to the following areas:
a) the fitting-out and layout of the workplace and workstation;
b) the nature, degree and duration of exposure to physical, biological and chemical agents;
c) the form, range and use of work equipment;
d) the arrangement of work processes; and
e) the level of training and instruction given to young people.

If the assessment reveals that young people are exposed to risks, the master and/or the company shall take necessary action to ensure protection of their safety and health.

Amended by Regulation of 28 June 2006 No. 855 (in force on 1 July 2006).

§ 6

Medical examination

Where the assessment referred to in § 5 shows that there is a risk, or there is reason to believe that young people have been exposed to something that may affect their safety, physical or mental health or development, an appropriate medical examination shall be provided at regular intervals. The company shall cover the cost of such medical examination.

§ 7

Information to young people and their parents or guardians

The master/company shall inform young people of the risks identified in the assessment referred to in § 5 and of all measures adopted concerning their safety and health. Such information shall also be communicated to the parents or guardians of young people.

§ 8

Prohibition of work

Young people shall not carry out work:

a) which is objectively beyond their physical or psychological capacity;
b) involving harmful exposure to agents which are toxic, carcinogenic, cause hereditary or genetic damage, harm to the unborn child or which in any other way chronically affect human health;
c) involving harmful exposure to radiation;
d) involving the risk of accidents which it may be assumed cannot be recognized or avoided by young people owing to their insufficient attention to safety or lack of experience or training; or
e) in which there is a risk to health from extreme cold or heat, or from noise or vibration.

The following non-exhaustive list shall be indicative of work that young people are not permitted to carry out:

a) work involving exposure to ionizing radiation;
b) work in hyperbaric atmosphere, e.g. pressurized enclosures and underwater diving;
c) work involving exposure to biological agents likely to cause serious illness or which may in any other way be harmful to young people;
d) work involving substances and products classified as toxic (T), very toxic (Tx), corrosive or explosive;
e) work involving substances and products classified as noxious (Xn) and provided with one or more of the following or similar warning notices:
   1. risk of incurable health damage,
   2. possible risk of incurable health damage,
   3. may cause allergy in the event of inhalation or skin contact,
   4. risk of cancer,
   5. risk of hereditary health damage,
   6. may affect fertility,
   7. may harm the unborn child;
f) work with substances and products classified as irritating (Xi) and provided with one or more of the following hazard descriptions:
   1. extremely flammable,
   2. may cause allergy in the event of inhalation,
   3. may cause allergy in the event of skin contact;
g) work involving substances and preparations which are carcinogenic;
h) work involving lead or lead compounds;
i) work involving the production and handling of tools, fireworks and articles containing explosives;
j) work involving the handling of equipment for production, storage or use of compressed, liquefied or dissolved gases;
k) work involving risk of exposure to high voltage.
The Norwegian Maritime Directorate may grant exemption from the provisions of this Section where this is necessary for the vocational training of a young person and the work is carried out under the supervision of the master, a person authorized by the master, or a safety representative.

Chapter 3
Provisions relating to the working time of young people

§ 9
The working time of young people

The working time of young people shall not prevent them from going to school to receive the education they need or from taking advantage of such schooling.

Persons under the age of 16 shall not be employed in paid work or receive any other remuneration from employment. However, this shall not apply to persons on fishing vessels or ships which are not used for commercial purposes.

For young people under 15 years of age or who are subject to compulsory schooling, the working time shall not exceed two hours a day and 12 hours a week. On days when there is no school, the working time may be lengthened to seven hours a day. For periods of at least one week when school is not operating, the working time may be up to seven hours a day and 35 hours a week.

For young people under 15 years of age or who are subject to compulsory schooling, and who are working under a theoretical and/or practical combined work/training scheme, the combination of schooling and work must not exceed eight hours a day or 40 hours a week.

For young people who have reached the age of 15 and who are not subject to compulsory schooling, the working time shall not exceed eight hours a day or 40 hours a week.

Where a young person is employed by more than one employer, working days and working time as referred to in the above three paragraphs shall be cumulative. Employers are under an obligation to know both the young employee’s school hours and hours of work in the service of other employers.

Young people under the age of 18 shall not be used for overtime work.

The Norwegian Maritime Directorate may grant exemption from the third and fourth paragraphs of this Section where justifiable from the point of view of health and safety.

Amended by Regulation of 28 June 2006 No. 855 (in force on 1 July 2006).

§ 10
Prohibition of night work

Young people under the age of 18 must not work between 8 p.m. and 8 a.m. unless the person in question gets at least nine consecutive hours of leisure time in this period. However, this shall not apply to work as provided in Act relating to Hours of Work on board Ship, § 7 subsection 1.

The following shall apply to fishing vessels: Young people under 15 years of age or who are subject to compulsory schooling shall not work between 8 p.m. and 6 a.m. Young people between 15 and 18 years of age shall not work between 10 p.m. and 6 a.m. or between 11 p.m. and 7 a.m.

The Norwegian Maritime Directorate may grant exemption from the ban on night work for young people who have reached the age of 15 and who are not subject to compulsory schooling where this is necessary for the vocational training of a young person and the work is carried out under the supervision of the master, a person authorized by the master, or a protection supervisor.

Prior to any assignment to night work and at regular intervals thereafter, adolescents shall be entitled to a free assessment of their health and capacities, unless the work they do during the period during which work is prohibited is of an exceptional nature. The company shall cover the cost of such medical examination.

§ 11
Rest periods and leisure time

Young people under the age of 18 shall have a break of at least 30 minutes, where possible consecutive, if the daily working time exceeds four and a half hours.

For young people under 15 years of age or who are subject to compulsory schooling, there shall be a rest period of at least 14 consecutive hours between two periods of work. For young people who have reached the age of 15 years and who are not subject to compulsory schooling, there shall be a rest period of at least 12 consecutive hours between two periods of work.
Young people under the age of 18 shall have a minimum weekly rest period of 36 consecutive hours. The minimum rest period shall in principle include Sunday or a public holiday.

The Norwegian Maritime Directorate may upon application grant exemption from the provisions relating to rest periods and leisure time in the first to third paragraphs where this is necessary for the vocational training of a young person.

§ 12

Extra work in the event of accidents and similar force majeure

The above working time restrictions for young people who have reached the age of 15 and who are not subject to compulsory schooling shall not apply to extra work due to safety duties as provided in the regulation currently in force concerning hours of work and rest on board Norwegian passenger and cargo ships, etc.

Amended by Regulation of 28 June 2006 No. 855 (in force on 1 July 2006).

Chapter 4

Supervision and repatriation, etc. of young persons

§ 13

Supervision of the individual’s adjustment to conditions on board

It shall be the duty of the master to attach special importance to the way in which persons under the age of 18 adapt to conditions on board and ashore. If necessary, the master shall see to the appointment of a contact person for such young persons.

If the master of a ship engaged on foreign voyages has reason to believe that a young person is suffering from physical or mental disturbance which must be assumed to make it inadvisable for the person concerned to continue in service, the master shall, after having examined the circumstances, terminate the employment relationship on board and make decision to repatriate the person. Prior to making such a decision, the master shall if possible consult a doctor.

§ 14

Protection against intoxicants

The prohibition in the Alcohol Act of 2 June 1989 No. 27 shall apply accordingly to any person under the age of 18 who is engaged in service on a Norwegian ship.

If the master finds that such person on a ship engaged on foreign voyages abuses or is about to develop an addiction to alcohol or other intoxicants, the master shall, after having examined the circumstances, terminate the employment relationship on board and make a decision to repatriate the person. Prior to making such a decision, the master shall if possible consult a doctor.

§ 15

Repatriation in the event of inability to adjust

If the employment relationship is terminated as mentioned in § 13 second paragraph and § 14 second paragraph, the expenses of the repatriation shall be defrayed by the state insofar as the young person is not entitled to free passage home by virtue of other provisions. If the young person is not resident in Norway, the expenses of the repatriation shall be defrayed by the shipping company.

If a decision has been made to repatriate a young person as mentioned in § 13 second paragraph and § 14 second paragraph, a statement as stipulated in § 16 of the Seamen’s Act shall if possible be taken. The protocol and extract of the log book from such a statement shall be sent together with any other documents of the case to the Norwegian Maritime Directorate. These documents and a possible later examination of the person by an approved seamen’s doctor shall form the basis for a declaration of suitability or unsuitability for further service at sea. Insofar as this medical examination shows that the person was occupationally disabled upon his departure, the provisions in § 28 of the Seamen’s Act shall apply accordingly.
§ 16
Repatriation for persons under 18 years of age

Young persons who upon ordinary termination of their employment relationship on board are under 18 years of age and depart from their service abroad shall be repatriated. The shipping company shall defray the expenses of passage with maintenance to the person’s place of residence, unless the state is bound to pay the costs in pursuance of other provisions.

Chapter 5
Special provisions relating to placement of young people in practical work on ships engaged on domestic voyages

§ 17
Conditions for placement

A young person who has reached 14 years of age may be placed on ships engaged on domestic voyages under work/training schemes as part of schooling or occupational orientation in practical work, provided that:

a) such work cannot prejudice the health or development of young people; or

b) the placement is part of the implementation of work practice schemes of primary and lower secondary schools or the occupational orientation programmes of the Norwegian Labour and Welfare Administration (NAV).

Amended by Regulation of 28 June 2006 No. 855 (in force on 1 July 2006).

§ 18
General provisions pertaining to placement

Young people placed on board under work/training schemes shall not form part of the ship’s complement.

Young people who are to be placed on board for three months or longer shall undergo a medical examination prior to placement, ref. § 26 of the Seamen’s Act.

The provisions of § 47 of the Seaman’s Act relating to loss of effects shall apply accordingly. Otherwise, matters concerning compensation for damage or loss shall be decided according to general compensation provisions.

§ 19
Rights and obligations of young people placed on board ship

Young people shall follow the rules of the ship and treat others on board with propriety. They can take on board such number and types of effects or articles for personal use as are reasonable.

Young people shall carry out their work to the best of their ability in accordance with the directions given. They shall use personal protective equipment and otherwise contribute towards the prevention of accidents and health damage. They are also under an obligation to spend their leisure time in ways that ensure they are rested and otherwise fit for work.

When the ship is in port, young people shall normally be entitled to go ashore in their leisure time in the daytime and in the evening. The master shall decide whether a young person is permitted to go ashore. When making the decision, the master shall give consideration to the time of departure of the ship, the age, maturity and trustworthiness of the young person, factors relating to the harbour area, and other factors of significance. The master shall determine the time for the young person’s returning to the ship.

§ 20
Special obligations of the master

The master shall ensure that a contact person is designated, ref. § 13 first paragraph.

The master shall ensure that the young person is sent home if the master considers that continuation of the young person’s work under the work/training scheme is inadvisable on grounds of illness, injury or ill-adjustment or for other important reasons, ref. § 13 and § 14. Where circumstances permit, the decision to send the young person home shall be made in cooperation with the institution responsible for the placement. The master shall ensure that the young person is accompanied when returning home.

The master shall ensure that the young person’s diet and health and hygiene conditions are identical to that of the ship’s complement.
§ 21

Rights and obligations of the shipping company

Shipping companies taking part in a placement arrangement are under an obligation to make such arrangements as are necessary to facilitate placement on board the ships concerned.

The company has a right to refuse, without stating its reasons, the placement of a young person on any of its ships.

§ 22

Obligations of the institution responsible for the placement

The institution directing the placement shall ensure that permission in writing is obtained from the young person’s guardians in ample time before the commencement of the work/training scheme.

The institution shall see to it that the young person will travel safely to and from the ship and be accompanied where necessary, ref. § 20 third paragraph.

The institution shall ensure sufficient insurance cover in connection with the placement.

Chapter 6

Concluding provisions

§ 23

Entry into force

This Regulation shall enter into force on 1 July 2002. From the same date, Regulation of 31 August 2000 No. 888 concerning work by young people on Norwegian ships and Regulation of 3 February 1986 No. 232 concerning placement of young people in practical work on ships engaged on domestic voyages are repealed.