

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

Legal basis: Laid down by the Norwegian Maritime Authority on 25 April 2002 under the Seamen's Act of 30 May 1975 No. 18 and Act of 3 June 1977 No. 50 relating to Hours of Work and Rest on board Ship. Legal basis amended to Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 6, 18, 22, 23, 24, 28a, 29 and 30, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 590 and Formal Delegation of 19 August 2013 No. 1002.

EEA references: EEA Agreement, Annex XVIII point 29 (Directive 94/33/EC).

Amendments: Amended by Regulations of 28 June 2006 No. 855, 29 June 2007 No. 1006, 19 August 2013 No. 1036, 10 November 2017 No. 1778.

Chapter 1 General provisions

Section 1 *Scope of application*

The Regulations apply to young people:

- a) under the age of 18 who are working on board Norwegian ships, including fishing vessels;
- b) of at least 14 years of age who are placed on board ships engaged on domestic voyages, including fishing vessels, as part of schooling or practical vocational orientation.

For the purpose of these Regulations, "work" also includes work that forms part of apprenticeship contracts or secondary education.

Amended by Regulations of 29 June 2007 No. 1006 (in force on 1 July 2007), 10 November 2017 No. 1778 (in force on 16 November 2017).

Section 2

Amended by Regulation of 28 June 2006 No. 855 (in force on 1 July 2006), repealed by Regulation of 10 November 2017 No. 1778 (in force on 16 November 2017).

Section 3

Amended by Regulations of 29 June 2007 No. 1006 (in force on 1 July 2007), 19 August 2013 No. 1036 (in force on 20 August 2013), repealed by Regulation of 10 November 2017 No. 1778 (in force on 16 November 2017).

Section 4

Exemptions

In exceptional cases, the Norwegian Maritime Authority may upon written application from the company grant exemptions from the provisions of these Regulations as set out in section 8 third paragraph, section 9 sixth paragraph, section 10 third paragraph and section 11 fourth paragraph where justifiable in terms of health and safety.

Amended by Regulation of 10 November 2017 No. 1778 (in force on 16 November 2017).

Chapter 2 Protection of young people at work

Section 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).

Section 6

Medical examination

Where the assessment referred to in section 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.

Section 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 section 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.

Section 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 Authority 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

Section 9

Exception from the requirements of the Ship Safety and Security Act section 18 and minimum age and working hours for young people

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

Young people shall not be used for overtime work.

On ships of 24 metres in overall length and upwards not used for commercial purposes, the following restrictions apply:

- a) For young people who are between the ages of 13 and 15 or who are subject to compulsory schooling, working hours shall not exceed 2 hours a day and 12 hours a week. On days where there is no school, the working hours may be increased to 7 hours a day. For periods of at least one week where there is no school, the working hours may be up to 7 hours a day and 35 hours a week.
- b) For young people who are between the ages of 13 and 15 or who are subject to compulsory schooling, and who are working as part of a scheme with alternating theoretical or practical education, the combined hours of schooling and work shall not exceed 8 hours a day or 40 hours a week.
- c) For young people who have reached the age of 15 and who are not subject to compulsory schooling, the normal working hours shall not exceed 8 hours a day or 40 hours a week.

Where a young person is employed by more than one employer, the working hours pursuant to the third paragraph shall be added up. Employers shall be aware of young people's hours of work and school in the service of other employers.

On fishing vessels, young people who have reached the age of 15 and:

- a) are subject to compulsory schooling, may perform light work during school holidays, if the working hours do not exceed 7 hours a day or 35 hours a week;
- b) are not subject to compulsory schooling, may perform work that forms part of vocational training in fishing, if the combined hours of work and school do not exceed 8 hours a day and 40 hours a week.

The Norwegian Maritime Authority may upon written application from the company grant exemption from the requirements of the third paragraph (a) and (b) when justifiable in terms of health and safety.

Amended by Regulations of 28 June 2006 No. 855 (in force on 1 July 2006), 10 November 2017 No. 1788 (in force on 16 November 2017).

Section 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, section 7 first paragraph.

On fishing vessels, young people who are subject to compulsory schooling shall not work between the hours of 2000 and 0600. Young people who are not subject to compulsory schooling shall not work between the hours of 2200 and 0600 or between the hours of 2300 and 0700.

The Norwegian Maritime Authority may grant exemption from the prohibition against 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.

Amended by Regulation of 10 November 2017 No. 1788 (in force on 16 November 2017).

Section 11

Rest periods and leisure time

Young people shall have a rest break of at least 30 minutes, where possible as one continuous break, if the daily working hours exceed 4 1/2 hours.

Young people who are under 15 years of age or who are subject to compulsory schooling shall have a rest period of at least 14 consecutive hours between two periods of work. Young people who have reached the age of 15 years and who are not subject to compulsory schooling shall have a rest period of at least 12 consecutive hours between two periods of work.

Young people shall have a minimum weekly rest period of 36 consecutive hours. The rest period shall as far as possible include Sunday or a public holiday.

The Norwegian Maritime Authority 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.

Amended by Regulation of 10 November 2017 No. 1788 (in force on 16 November 2017).

Section 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 regulations currently in force on 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

Section 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.

Section 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.

Section 15

Repatriation in the event of inability to adjust

If the employment relationship is terminated as mentioned in section 13 second paragraph and section 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 section 13 second paragraph and section 14 second paragraph, a statement as stipulated in section 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 Authority. 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 section 28 of the Seamen's Act shall apply accordingly.

Section 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

Section 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).

Section 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, cf. section 17 of the Ship Safety and Security Act.

The provisions of sections 8-4 and 8-5 of the Ship Labour 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.

Amended by Regulation of 19 August 2013 No. 1036 (in force on 20 August 2013).

Section 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.

Section 20

Special obligations of the master

The master shall ensure that a contact person is designated, cf. section 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, cf. section 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.

Section 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.

Section 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, cf. section 20 third paragraph.

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

Chapter 6

Concluding provisions

Section 23

Entry into force

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