

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. building or civil engineering works

1. construction of buildings
2. fitting out, decoration and installation work
3. assembly and disassembly of prefabricated elements
4. demolition, disassembly, alterations and restoration work
5. redevelopment and maintenance, except routine work, or work that is less extensive
6. general construction work
7. excavation, blasting and other groundwork
8. other work carried out in connection with construction activities.

b. client: any natural or legal person for whom a construction project is carried out.

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. consumer: a natural person who does not primarily act in the course of commercial activity.

e. coordinator: any natural or legal person responsible for coordination of project preparation or execution on behalf of the client.

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. *one-man enterprise*: undertaking that has no employees.

Chapter 2. The responsibilities of the client

Section 5. General responsibilities

Throughout the process, the client shall:

- a. safeguard safety, health and the working environment at the construction or civil engineering site
- b. ensure compliance with the responsibilities imposed by these Regulations on the designers, employers and one-man enterprises
- c. ensure and facilitate the necessary dialogue and coordination between the designers, employers and one-man enterprises, to ensure that employees' safety and health and working environment are safeguarded in connection with the design and execution of construction or civil engineering works.

During planning and design, the client shall:

- a. safeguard safety, health and the working environment in connection with the architectural, technical or organisational choices made
- b. map risks of significance to the work to be performed
- c. assess the risks mapped under b) and draw up plans with measures to remove or reduce the risk
- d. document the mapping, risk assessment and plans under b) and c)
- e. ensure that sufficient time is allocated for design and execution of the various work operations
- f. document the assessments which are the basis for the time allocated under e).

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

Section 6. Risk factors, etc. to be included in the tender documents

The client must incorporate the following in the tender documents:

- a. the risk factors revealed during planning and design that have not been eliminated, see Section 5(2) b)
- b. plans with measures as a consequence of mapping and risk assessment under Section 5(2) c).

Section 7. Plan for safety, health and the working environment

Before commencement of work at the construction or civil engineering site, the client shall ensure preparation of a written plan for safety, health and the working environment.

The client must ensure that the plan is easily available at the construction or civil engineering site, and that it is updated continuously if any changes are made that are of significance to safety,

health and the working environment.

The client must ensure that employers and one-man enterprises:

- a. are made familiar with the plan
- b. are informed of any changes in the plan in the course of the project that may be of significance to the employees' safety, health and working environment.

The client must retain the plan for six months after completion of the construction or civil engineering work.

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

The plan for safety, health and the working environment must describe how the risk factors as a consequence of the choices made by the client and the designers are to be handled.

The plan must be based on risk assessments, adapted to the construction or civil engineering works concerned, and include:

- a. an organisation chart describing the distribution of roles and the form of contract
- b. a progress plan describing when and where the various work operations are to be carried out, with due regard for the coordination of the various work operations
- c. a description of the specific measures necessary to reduce the risk to life and health associated with, for example:

1. work near underground installations
2. work near high voltage power lines and electrical installations
3. work at locations with passing traffic
4. work where employees may be exposed to landslides or sinking in mud
5. work involving the use of explosives
6. work in wells, underground earthworks and tunnels
7. work exposing employees to the risk of drowning
8. work in caissons with a compressed-air atmosphere
9. work involving use of diving equipment
10. work where persons may be injured by falls or falling objects
11. work involving demolition of load-bearing structures
12. work involving the assembly or disassembly of heavy prefabricated elements
13. work involving risk of hazardous exposure to dust, gas, noise or vibrations
14. work that puts persons at risk from chemical or biological substances which may be detrimental to safety, health and the working environment, or entail a regulatory or statutory health monitoring requirement
15. work with ionised radiation requiring the designation of controlled or supervised areas
16. work involving fire and explosion hazards.
17. work which entails a risk of harmful ergonomic burdens.

- d. a procedure for handling of amendments to and updating of the plan.

Section 9. Preventive measures

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

- a. that necessary measures are taken to prevent unauthorised persons from gaining access to the construction site
- b. that regard is paid to other undertakings at or near the construction site
- c. good order and a satisfactory state of cleanliness
- d. safe access to the workplaces and safe traffic routes
- e. demarcation and laying out of areas for storage of various materials, particularly hazardous materials or substances
- 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. storage, handling and removal of waste and hazardous materials
- h. satisfactory working-hour arrangements
- i. satisfactory staff rooms
- j. adequate accommodation.

Section 10. Prior notice

If the work is scheduled to last for more than 15 business days or if the expected volume of work is scheduled to exceed 250 person-days, the client must ensure that, at the latest one week prior to commencement of the work, prior notice of the construction or civil engineering works is sent to the Norwegian Labour Inspection Authority on the electronic form prescribed for that purpose.

If the client is a consumer, the prior notice must be submitted by the undertaking that is to perform the construction or civil engineering works.

The client must ensure that the prior notice is updated, The updated prior notice must be displayed visibly at the construction or civil engineering site.

The prior notice must include the following information:

- a. date the notice is given
- b. exact address of the construction or civil engineering site
- c. nature of the project
- d. name, organisation number, address and telephone number of the client
- e. name, organisation number, address and telephone number of the client's representative
- f. name, organisation number, address and telephone number of the coordinators
- g. designation of designing undertakings and their organisation number
- h. designation of executing undertakings and their organisation number
- i. expected date of commencement of the work at the construction or civil engineering site
- j. expected duration of the work at the construction or civil engineering site
- k. expected maximum number of employees at the construction or civil engineering site at the same time
- l. planned number of undertakings.

If the parties named in the fourth sentence, b) to g) are a legal person, the name and telephone

number of a contact person must be stated.

Section 11. Repealed

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.

The client must ensure that the documentation is submitted to the owner of the structure or facility after completion, or after a permit for use has been granted.

Section 13. Designation and follow-up of the coordinator

If there are several designers or several executing undertakings at the construction or civil engineering site at the same time, or in succession, the work on safety, health and the working environment must be coordinated.

The client may undertake the role of coordinator, or designate an external coordinator.

The client may designate a coordinator for the entire project, or a coordinator for the planning and design phase, and a coordinator for the execution phase, to undertake the coordination on behalf of the client in accordance with Section 14.

Designation of a coordinator will not exempt the client from their responsibility in this area.

The coordinator may not have other duties or tasks that might be in conflict with the role of coordinator. Before choosing a coordinator, the client must assess whether any such conflict can arise. The assessment must be documented.

By means of a written agreement, the client will specify which responsibilities and authority the coordinator shall have. If the client undertakes the role of coordinator, there must be an equivalent written description.

The client must regularly follow up that this coordinator fulfils their responsibilities. This follow-up must be documented by the client.

The coordinator must have the necessary knowledge of safety, health and the working environment, including working environment legislation, and also have the necessary expertise to follow up relevant risk conditions in the project.

Section 14. Coordination and follow-up of the work on safety, health and the working environment

Coordination and follow-up must safeguard safety, health and the working environment at the construction or civil engineering site.

Coordination and follow-up must ensure and facilitate dialogue and cooperation between the parties involved.

Coordination and follow-up in the design phase concerns:

- a. ensuring that information is shared between the individual designers, to ensure comprehensive risk management
- b. ensuring that results of mapping and risk assessment, with measures, are incorporated in the tender documents for executing undertakings
- c. ensuring the preparation of a plan for safety, health and the working environment.

Coordination and follow-up in the execution phase concerns:

- a. following up risk factors in the client's plan for safety, health and the working environment
- b. following up that the undertakings comply with the plan for safety, health and the working environment
- c. following up the preparation of time schedules to ensure that sufficient time is allocated for the execution of the various work operations
- d. ensuring coordination of the work of the individual undertakings that can affect each other in terms of safety, health and the working environment
- e. following up on compliance with the requirements in Section 9
- f. ensuring that lists of persons employed at the construction site are kept in accordance with Section 15.

Section 15. Lists of persons employed at the construction site

As an element of the safety, health and working environment activities, the client must compile a list of everyone who will perform work at the construction or civil engineering site. The list shall be compiled electronically and checked and updated on a daily basis.

The list must include the following information:

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

The list must be available and, on request, must be presented to the employer, safety representative, Norwegian Labour Inspection Authority and the Norwegian tax authorities. Lists must be retained for six months following completion of the construction or civil engineering works.

Section 16. Fulfilment of responsibilities on behalf of the client

The client may agree in writing that, on behalf of the client, a legal or natural person will undertake specific responsibilities pursuant to these Regulations (client's representative). The agreement must specify which duties and authority the client's representative will have.

The choice of a client representative will not exempt the client from their responsibility.

The client's representative will not have other duties or tasks that might be in conflict with the tasks to be undertaken on behalf of the client. Before the client's representative is chosen, the client must assess whether any such conflict might arise. The assessment must be documented.

The client's representative must have the required knowledge of safety, health and the working environment, including working environment legislation.

The client must follow up regularly that the client's representative fulfils their obligations. This follow-up must be documented by the client.

Chapter 3. The responsibilities of the designer

Section 17. The responsibilities of the designer

The designer must safeguard safety, health and the working environment in connection with the architectural, technical or organisational solutions chosen.

During performance of their assignments, the designer must map and assess risk associated with safety, health and working environment at the construction or civil engineering site. The mapping and risk assessment must also consider the interface to other trades, and must be documented. If risk factors may arise that require specific measures, see Section 8(2) c), of the Regulations, this must be described and notified to the client.

The factors that may be of significance to future works must be documented, see Section 12.

The designer must contribute to the dialogue and coordination under Section 5(1) c).

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

Section 18. General responsibilities of employers and one-man enterprises

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

In their planning and execution of the work, employers and one-man enterprises must take account of the necessary risk assessments and undertake continuous risk assessment of risk areas identified in the client's plan for safety, health and the working environment.

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

Employers and one-man enterprises must inform the client of any risk factors due to the choices made by the client and the designers that are not covered by specific measures in the plan for safety, health and the working environment.

Employers and one-man enterprises must inform the client concerning any need for deviations

from the plan for safety, health and the working environment that may affect safety, health and the working environment.

Employers and one-man enterprises must contribute to the dialogue and coordination under Section 5(1) c).

The employer must ensure implementation of the preventive measures laid down in Section 9. One-man enterprises must ensure that the requirements under Section 9 applying to one-man enterprises are fulfilled.

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 employer must, in an understandable way, inform employees and the safety representative of all measures to be taken with regard to health, safety and the working environment at the construction or civil engineering site.

Written documentation that is used in or relevant to the work the individual is to perform, such as plans and procedures for safety, health and working environment, safety training, safety protocols, safety instructions, safety data sheets, warning signs and instructions for use of tools and work equipment, etc., must be available to ensure that the individual has a good understanding of the information.

Section 19a. Requirements for language proficiency

The employer must ensure that the employees and hired workers in the undertaking can communicate in such a manner that the communication does not pose a safety risk.

The employer must specifically ensure that, when necessary for ensuring safety, at least one of the executing employees and hired workers on any work team at the construction or civil engineering site is able to understand and make themselves understood in a language that the others on the work team understand and can make themselves understood in.

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).