

ARBEIDS- OG SOSIALDEPARTEMENTET MILJØVERNDEPARTEMENTET JUSTIS- OG POLITIDEPARTEMENTET HELSE- OG OMSORGSDEPARTEMENTET

Regulations relating to Systematic Health, Environmental and Safety Activities in Enterprises (Internal Control Regulations)

Part I: User guidelines Part II: Regulations Part III: Comments on the regulations



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(Internal Control Regulations)

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Part I is a simple useroriented guide on how to meet the minimum requirements as to systematic health, environmental and safety activities (internal control), and is specifically addressed to small business enterprises

Part II is the actual text of the regulations in extenso.

Part III provides explanatory comments on the regulations.

Introduction

Good, safe work practices; clear definition and allocation of responsibilities; orderly, tidy work premises; safe products and consumer services making for high-quality work and improved performance. This is what systematic health, environmental and safety activities (internal control) are all about. Having someone to keep a watchful eye, and take action if something goes wrong, is a precondition for maintaining a high standard of work and products.

The best results are achieved by systematic improvements, not by piecemeal efforts at the last moment. Doing things right the first time pays. Taking chances is bad business. Prevention is better and cheaper than repairs.

Active participation by everyone is important, at the same time as the management must accept its responsibilities. Know-how and capability must be sustained: this is essential if a systematic approach to health, the environment and safety is to work.

Best of luck with a better life at work!

The Regulations relating to Systematic Health, Environment and Safety Activities in Enterprises (Internal Control Regulations) were laid down by Royal Decree of 6 December 1996 and became effective on 1 January 1997. The regulations require the person responsible for an enterprise to ensure that requirements set out in the Working Environment Act. the Pollution Control Act, in legislation on prevention of fires and explosions, the Product Control Act. the Civil Defence Act. the Electrical Installations and Electrical Equipment Act and the Gene Technology Act are complied with in a systematic manner.

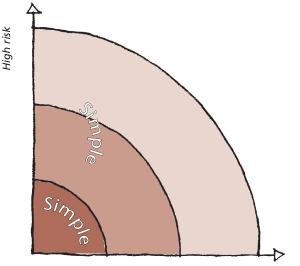
Systematic health, environmental and safety (HES) activities: their introduction and operation

Does this apply to me?

The regulations apply to managers, employees and employee representatives in both public and private enterprises, and they may also apply to one-man enterprises. They also apply if your products or services may harm customers or users. They do not apply to private individuals or consumers.

The figure illustrates that systematic health, environmental and safety activities have to be adapted to differing enterprise conditions.

- With low risk and a small workforce, HES activities are simple and straightforward
- With high risk, e.g. in diving operations, HES activities are more extensive. The same is true for low-risk enterprises employing a large workforce



Low risk - small workforce

Large workforce

HES activities must be adapted to the enterprise concerned

If your enterprise belongs in the green area of the illustration, then the first part of the brochure up to page 14 applies to you.

If your enterprise belongs in the yellow or red area, the health, environmental and safety activities will be more extensive. Some of the requirements are dealt with on pages 15 and 16, and you will find fuller information in the comments on the regulations in part III.

Managers

As a manager you are responsible for taking the initiative, providing motivation and laying the basis for the introduction and follow-up of health, environmental and safety activities.

Employees and their representatives

As an employee you have rights and obligations and you play a key role in health, environmental and safety activities. In order to achieve a good result, employees must necessarily participate in planning, in the day-to-day HES work, in identifying problem areas and in reaching good solutions. This can be done through the safety delegate(s), the working environment committee, employee representatives or other employees.

Are you uncertain what health, environmental and safety activities entail?

Get in touch with the supervisory authorities. You will find addresses and telephone numbers on the back cover.

Trade, employer and worker organisations can also provide guidance in health, environmental and safety matters.

Getting started

How to proceed

Health, environmental and safety activities can be planned as follows:

Getting started

- taking the initiative
- providing information and motivation
- setting objectives and defining responsibilities and lines of delegation
- organising and planning the introduction of HES activities

Identifying problems/obtaining overviews

- obtaining an overview of relevant laws and regulations
- surveying existing health, environmental and safety routines
- identifying problem areas

Planning and ranking measures

- planning and ranking measures in order of priority
- drawing up an action plan for implementation

Follow-up

- carrying measures through
- rectifying errors and shortcomings
- making improvements a natural part of day-to-day operations
- undertaking regular reviews

Identifying problems/ obtaining overviews

Planning and ranking measures

Follow-up

1 • Getting started

Taking the initiative

In your capacity as manager you must take the initiative to get HES activities started, but the actual work must be done in collaboration with the employees. Make sure that everyone is informed at an early stage about what is going to happen. Thorough, good information opens the way for co-operation and makes for the best result.

Providing information and motivation

As an employee you must participate in the process. It is essential that you, who are dealing with problems on a daily basis, contribute your experience and suggest solutions, for example when routines are prepared and updated. This will ensure that the routines fit in with realities.

Setting objectives and defining responsibilities and lines of delegation

Objectives must be set for health, environmental and safety activities. The objectives (see illustration) must be written down; they are binding and are a signal that the enterprise takes HES activities seriously. Once an overview of problems and hazards has been obtained, concrete objectives must be drawn up.

Duties, responsibilities and lines of delegation must be clarified. Persons with responsibility must have the knowledge and authority to take action when circumstances require. An overview of the organisation of HES activities must be put down in writing and might be worded as shown in the illustration.

Organising and planning the introduction

Set up preferably a broad-based group and ensure that one person has responsibility and authority to move its work forward.

Objectives

Our aim is to prevent accidents and damage to the environment and health in order to promote wellbeing at work. The effects of our operations on the external environment must be kept to an absolute minimum. Our products and services must be safe for our customers. This must be achieved by ensuring that health, environment and safety activities are planned and given the same priority as production, service and finance.

Organisation

The managing director has overall responsibility for ensuring that the laws and regulations governing the enterprise are complied with.

The supervisor/foreman is responsible for monitoring his particular area of the enterprise and for taking any action necessary, and reports to the managing director.

Employees are responsible for reporting to their immediate superior any health, environmental and safety problems that are not resolved on the spot.

2 • Identifying problems/ obtaining overviews

Obtaining an overview of relevant laws and regulations

There are many laws and regulations. It is important to find out which of them apply to the enterprise and its products and services. Contact the supervisory authorities if you are in doubt.

Taking stock of existing health, environmental and safety routines

The next step is to obtain an overview of routines that already exist. They may be routines for training, use of protective equipment, use of machinery, cleaning of work premises, treatment of waste and fire drills.

Systematisation and safekeeping of documents

Existing documentation has to be systematised and kept easily accessible, preferably in a loose-leaf binder. Examples of such documentation are: employment contracts, records of injuries and absence due to illness, certificates of completed safety-delegate training, routines for ensuring that products satisfy safety requirements, agreements on treatment of waste and documentation of fire protection.

Identifying health, environmental and safety problems

Identifying health, environmental and safety problems ranges all the way from investigating employees' wellbeing and teamwork to investigating physical conditions. Is there anything in the enterprise's daily operations that may be harmful? How great is the risk? It may be a matter of repetitive strain ailments, occupational diseases, personnel conflicts, noise, fire hazards, risk of polluting the external environment, harm caused to customers/ users by the enterprise's products and services, etc.

What is risk?

Risk means the chance of an undesired event taking place and its consequences.

It could be a matter not only of major accidents, but also of problems to do with teamworking, repetitive strain injuries, disease, pollution risks, etc.

Risk analysis

You can make a simple risk analysis at your enterprise by asking three simple questions:

What can go wrong?

What can we do to prevent it?

What can we do to reduce the consequences if something does go wrong?

A problem-identification sheet can serve as a guide to what to look for, and will also provide an overview of what action has been taken and what remains to be done. It should be formulated to suit your enterprise. It could, be on the lines of the simple sheet below:

Area OK		Improvement Comments needed	
Organisational/physical work environment			
Absence from illness		\checkmark	Identify cause
Personnel conflicts			
Heavy lifting		\checkmark	Obtain lifting device
Order and tidiness			
Treatment of waste		\checkmark	Much mingling of waste
			– enforce sorting
Chemicals storage facilities			
Signboarding and information			Rectified after previous round
Maintenance/cleaning		\checkmark	Poor, tighten up routines
Fire and pollution			
Escape routes			Have been cleared
Fire extinguishers		\checkmark	Poor, introduce new routine
Oil-fired heating		\checkmark	Underground oil tank - check for leake
Electrical system			
Wiring		\checkmark	Loose wiring in Production Dept.
Light fittings		\checkmark	Defective fittings in Production Dept.
Electrical products			

NB! Written material resulting from working with the problem-identification sheet must be systematised and kept easily accessible. It could include correspondence, reports, results of noise and air measurements or results of measurements of the external environment, minutes of personnel meetings, checklists completed on safety inspection rounds, etc.

The safety and health personnel (enterprise health service) will often be able to give practical assistance with problem-identification surveys. If advanced equipment or special capabilities are needed, outside assistance should be obtained.

3 • Planning and ranking measures

Problem-identification surveys afford an overview of what improvements are needed. The next step is for the managing director, the employees and their representatives in conjunction to plan and rank priorities. The safety delegate(s) and working environment committee, where they exist, should be consulted. To ensure successful results, it is important that the person who faces the problem on a daily basis participates in the planning.

Drawing up an action plan for implementation

The plan must be in writing and must show how the enterprise intends to promote health, environment and safety. The plan must be made known to all those affected. It must set out what is to be done, by whom and when (see illustration). The plan must ensure that the measures are carried through at the agreed time. Responsibility for following up the action plan and ensuring that the deadlines are observed should therefore be vested in one single person.

What	Who	When
Get lifting device	ON	Sept
Provide information on routines and cleaning routines	PO	Aug
Buy new fire extinguishers	KO	Aug
Check condition of oil tank	PO	Aug
Contact electrician to make repairs	PO	Aug

4 • Follow-up

Implementing measures

The actual implementation of planned and prioritised measures is the most important aspect of health, environmental and safety (HES) activities. The action plan shown in the above example can be used to ensure that the measures are carried through at the right time.

Make improvement work a natural part of daily operations

In your capacity as manager you are duty-bound to make sure that the HES activities function as intended. This requires regular surveys, planning of measures, checking that measures are carried through and that the desired results are achieved.

As an employee you are duty-bound to report any errors and shortcomings, and you are welcome to suggest improvements. The person best acquainted with a problem is often the best placed to find a good solution.

Rectifying errors and defects

(see illustration) for rectifying and preventing repetition of errors and shortcomings at the enterprise. It is important to learn from mistakes made and shortcomings discovered, to avoid their recurrence.

Do maintenance or reporting routines, for example, need to be improved?

Dealing with errors and shortcomings

Purpose:

We must ensure that errors and shortcomings are dealt with in such a way that we learn from them and prevent their recurrence.

Report errors and shortcomings to your immediate superior. Errors and shortcomings must be rectified at the point where the problem arises.

NB! Remember to write up in the action plan the measures needed to rectify errors and shortcomings. These should be followed up on at the Monday meetings.

Periodical review of health, environmental and safety activities

In addition to the regular follow-ups (e.g. safety inspections, personnel meetings, etc), the enterprise must, at least once a year, carry out a more comprehensive review of HES activities and evaluate whether they are working in practice.

The enterprise must have *a written routine for the review* (see illustration). The results of the review must be readily accessible. The object is to pinpoint weaknesses and shortcomings and to rectify them. It is important to find the causes and ensure that they do not recur.

After the review is completed, concrete objectives must be set for improvements, in addition to the overall objective. Objectives could for example be: to reduce absence from illness 7% to 6% next year, to reduce waste by 5% next year, to eliminate causes of fire, etc. At the next review an

Review

The managing director is responsible for the efficient functioning of health, environmental and safety activities. A thorough assessment and review should be undertaken once a year at a meeting of the managing director, the safety delegates and a representative of the safety and health personnel (enterprise health service).

An overview of all circumstances relevant to health, environmental and safety activities must have been drawn up prior to this meeting.

Items to be dealt with at the meeting:

- the results from the survey and errors and shortcomings over the past year
- whether existing routines are adequate and being followed
- training needs for next year
- whether objectives set for health, environmental and safety activities have been achieved; set new objectives for next year
- new requirements in laws and regulations
- action plan showing measures for next year
- necessary updating of documents

assessment must be made of whether the objectives set have been achieved, and new ones set.

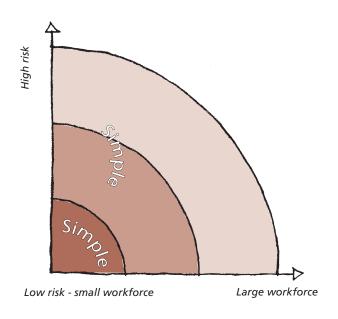
Systematic health, environmental and safety activities entail a continual striving for improvements, to the benefit of all. Laying the basis for participation by and commitment of the working environment committee, safety delegate(s) and employee representatives, where they exist, makes these people a valuable resource in the HES context. This applies both to the daily HES routines and to the periodical reviews

Enterprises with a high risk/large workforce

So far this brochure has focused on enterprises with a small workforce and a low inherent risk. These enterprises must themselves assess what risks their operations entail. Size, type of operation, working methods, knowledge and skills vary over time. The enterprises must maintain an awareness of how this affects their health, environmental and safety situation.

Risks in one or more areas

Activities at the enterprise which may entail higher risk require greater attention from those affected. Requirements as to problem identification, risk analysis and preventive measures are more comprehensive than described on the preceding pages, in the case of both large and small enterprises. Where the risk is associated with a



specific area of operation, e.g. a department posing major pollution risks, special requirements apply.

Health, environmental and safety legislation sets a number of requirements as to documentation designed to show that relevant risks have been dealt with. Pertinent examples are:

- a card-index of hazardous substances with product data sheets
- forklift driver training/crane driver training
- training for eliminating asbestos
- documentation of maintenance carried out on dangerous machinery/equipment (e.g. forklift trucks, cranes, pressure tanks, fire extinguishers, sprinkler system, fire-warning system, ventilation system, etc)
- fire-protection documentation (training, drills)
- documentation of safety and emergency preparedness measures (training, drills, fire, accident)
- risk analyses
- emission and/or operating permits

Enterprises with a large workforce

The main challenge facing large-scale enterprises in terms of good health, environmental and safety activities is the necessary involvement of many people and several departments, perhaps geographically dispersed. Some departments may pose a high risk which imposes greater demands as to information, organisation and coordination of HES activities.

Public sector, non-manufacturing and service enterprises

It is especially important that public sector enterprises and non-manufacturing and other service enterprises adapt their health, environmental and safety activities to their own needs. Several types of problem may be faced: organisational (teamworking, well-being), environmental (paper waste, energy) as well as problems related to the working atmosphere, ergonomics (physical working postures, «mouse-induced» repetitive strain ailments), etc.

Meeting with the authorities

The authorities supervise compliance with the requirements of the health, environmental and safety legislation. They are receptive to the various ways in which systematic health, environmental and safety activities can be organised, and this approach underlies their supervisory practice.

Role of the supervisory authorities

The supervisory authorities provide information and guidance on the requirements of the regulations and on the principles underlying systematic health, environmental and safety activities, although they do not have an advisory role. All parties benefit from fruitful dialogue. Trade, employer and worker organisations are also able to give enterprises guidance in health, environment and safety matters.

Co-ordination of supervision

An enterprise may well be subject to supervision by several supervisory agencies. Thus it is possible for an enterprise to be inspected jointly and simultaneously by, say, the State Pollution Control Authority and the Directorate of Labour Inspection. Such bodies may also come at different times, having agreed not to arrange their visits at too close an interval. Supervisory bodies are subject to common guidelines and are required to co-ordinate their activities vis-à-vis enterprises.

Systems-based audits

A systems-based audit is a thorough, systematic investigation of an enterprise whereby the supervisory authorities establish whether or not the systematic health, environmental and safety activities are functioning satisfactorily. In a systems-based audit the authorities examine and familiarise themselves with the enterprise's documented HES activities before paying their visit.

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Verification

Verification means that the supervisory authorities visit the enterprise in order to assure themselves that the health, environmental and safety work actually carried out tallies with the documentation and satisfies the requirements of laws and regulations.

If breaches of laws and regulations are brought to light during a systems-based audit or verification, the enterprise must take action to rectify them. It must also consider modifying the routines to prevent renewed breaches.

Sanctions

The supervisory authorities can respond to contraventions of health, environmental and safety legislation with various sanctions, including orders, coercive fines, pollution charges and/or notification to the police. Which sanction is chosen will often be a matter of judgement. The law or regulations that have been contravened, the gravity of the contravention and the type of enterprise involved will all have a bearing on the choice of sanction.

An order is an instruction in writing to the enterprise to rectify circumstances that conflict with health, environmental and safety legislation. If the order is not complied with within a specified period, the supervisory authorities may impose a coercive fine.

A coercive fine is a means of enforcing an order and works in a similar way as, for example, a daily fine imposed in the event of a delay in fulfilling a contract.

Right of appeal

Enterprises are entitled to appeal against orders, coercive fines and pollution charges. The supervisory authorities must state which is the administrative appeal body in each case.

NB! Time limits for filing appeals must be observed!

If necessary, apply for an extension of the time limit. Do not ignore it!

Regulations relating to Systematic Health, Environment and Safety Activities in Enterprises (Internal Control Regulations)

Laid down by Royal Decree of 6 December 1996 in pursuance of section 16a, cf. section 2, subsection 8, of Act No. 4 of 4 February 1977 relating to Worker Protection and Working Environment etc.; section 14 of Act No. 47 of 21 May 1971 on Inflammable Goods and Liquids and Gases under Pressure; section 14 of Act No. 39 of 14 June 1974 on Explosives; section 4 of Act No. 26 of 5 June 1987 on Fire Prevention etc.; section 52b of Act No. 6 of 13 March 1981 on Protection against Pollution and on Waste; section 41, cf. section 48, of Act No. 9 of 17 July 1953 on Civil Defence; section 3, cf. section 9, of Act No. 4 of 24 May 1929 on Supervision of Electrical Installations and Electrical Equipment and section 17, second paragraph, of Act No. 38 of 2 April 1993 relating to the manufacture and use of genetically modified organisms (Gene Technology Act). Amended by Act No. 1352 of 17 December 1999, Act No. 270 of 9 March 2000, Act No. 127 of 1 February 2002, Act No. 1599 of 19 December 2003, Act No. 1395 of 8 October 2004 and Act No. 51 of 28 January 2005.

Section 1 • Object

Through requirements as to systematic implementation of measures, these regulations shall promote efforts to improve conditions in enterprises in regard to

- the working environment and safety
- prevention of damage to health or disturbances to the environment from products or consumer services
- protection of the external environment against pollution and improved treatment of waste

so as to ensure that the objectives of the health, environmental and safety legislation are achieved.

Section 2 • Scope and extent

This regulation applies to enterprises encompassed by

• Act relating to inspection of electrical installations and electrical equipment (Act No. 4 of 24 May 1929)

- Section 48, cf. section 41, of the Civil Defence Act (enterprises required to maintain safety and emergency preparedness measures) (Act No. 9 of 17 July 1953)
- The Product Control Act (Act No. 79 of 11 June 1976)
- The Working Environment Act (Act No. 4 of 4 February 1977)
- The Pollution Control Act, where the enterprise employs staff (Act No. 6 of 13 March 1981)
- The Gene Technology Act (Act No. 38 of 2 April 1993)
- Act on radiation protection and use of radiation (Act No. 36 of 12 May 2000)
- Act relating to fire and explosion prevention (Act No. 20 of 14 June 2002)

This regulation is not applicable in Svalbard or to enterprises as mentioned in section 2, subsection 3, of the Working Environment Act, cf. Royal Decree of 27 November 1992 on Worker Protection and Working Environment in Petroleum Activities.

Section 3 • Definitions

In this regulation the following definitions apply:

Internal control

Systematic measures designed to ensure that the activities of the enterprise are planned, organised, performed and maintained in conformity with requirements laid down in or pursuant to the health, environmental and safety legislation.

Health, environmental and safety legislation

The statutes mentioned in section 2, first paragraph, and regulations laid down in pursuance thereof.

Section 4 • Obligation to maintain internal control

The person responsible for the enterprise shall ensure that internal control is introduced and performed in the enterprise and that this is done in collaboration with the employees and their representatives.

The employees shall participate in the introduction and performance of internal control.

Section 5 • Content of systematic health, environmental and safety activities. Documentation requirements

Internal control shall be adapted to the nature, activities, risks and size of the enterprise to the extent required to comply with requirements set out in or pursuant to the health, environmental and safety legislation.

Int	ternal control entails that the enterprise shall:	Documentation
1	ensure that those Acts and regulations in the field of he- alth, environmental and safety legislation that apply to the enterprise are accessible, and have an overview of re- quirements of particular importance for the enterprise.	
2	ensure that the employees have sufficient knowledge of and proficiency in systematic health, environmental and safety activities, including information on changes made	
3	ensure employee participation so as to utilise overall knowledge and experience	
4	establish health, environmental and safety objectives	must be documen- ted in writing
5	have an overview of the enterprise's organisational set-up, including allocation of responsibilities, duties and authori- ty in regard to the work on health, the environment and safety	must be documen- ted in writing
6	identify dangers and problems and against this back- ground assess risks; draw up appurtenant plans and mea- sures to reduce such risks	must be documen- ted in writing
7	implement routines to uncover, rectify and prevent bre- aches of requirements established in or pursuant to the health, environmental and safety legislation	must be documen- ted in writing
8	carry out systematic surveillance and reviews of the inter- nal control system to ensure that it functions as intended	must be documen- ted in writing

Internal control shall be documented in the form and to the extent necessary in the light of the nature, activities, risks and size of the enterprise. Documentation resulting from requirements set out in or pursuant to the health, environmental and safety legislation, for example instructions, authorisations, proof of qualifications, certifications and the like, shall be included.

Written documentation pursuant to this regulation shall encompass at least the second paragraph, subparagraphs 4 to 8 inclusive, of this section.

Voluntary certificates may also form part of the documentation.

Section 6 • Co-ordination

Where two or more enterprises perform work on the same work site, they shall, where necessary, agree in writing which of them is to be responsible for co-ordinating the internal control of their joint activities or areas. Failing such agreement, the supervisory authorities may decide which of them shall have this responsibility. If considerations of health, environment or safety indicate a different allocation of responsibility, the supervisory authorities may reverse an agreement that has been entered into.

Where an enterprise engages an independent contractor to carry out assignments on the enterprise's own premises or site, the contractor's internal control shall as far as possible be made the basis for the work encompassed by the assignment. This applies where the assignment is performed by the contractor in person, by the latter's own employees or by others. The enterprise shall furnish information on joint rules and the like and see to it that any defects are rectified or necessary adjustments made in its own internal control or that of the contractor.

Section 7 • Supervisory authority

The supervisory authority pursuant to the health, environmental and safety legislation shall supervise and provide guidance on implementation of and compliance with these regulations.

Section 8 • Exemptions

The Ministry of Labour and Social Affairs may after consulting the Ministry of Environment, the Ministry of Justice and the Ministry of Health*, grant exemption from this regulation when special conditions obtain.

^{*} now Ministry of Health and Care Services

Section 9 • Appeals

Individual decisions made pursuant to these regulations may be appealed to the administrative agency that is immediately superior to the administrative agency which made the decision, cf. the Public Administration Act.

In the case of individual decisions made pursuant to the health, environmental and safety legislation, provisions of the Acts mentioned that govern the right to appeal apply.

Section 10 • Sanctions

The provisions on penalties and other sanctions set out in the health, environmental and safety legislation are applicable in the event of contravention of the provisions of these regulations.

Section 11 • Commencement

These regulations come into force on 1 January 1997.

As from the same date the regulations on internal control laid down by Royal Decree of 22 March 1991 shall be repealed.

Comments on the Regulations relating to Systematic Health, Environmental and Safety Activities in Enterprises (Internal Control Regulations)

Re Section 2 • Scope

The regulations apply to enterprises covered by the Acts mentioned in this section. They cover public and private sector enterprises of all kinds and all types of commercial activity, including consumer services. The public administration and public services are also included. Private individuals/consumers, on the other hand, are not covered by the regulations. For closer definition of how the term «enterprise» should be understood, attention is drawn to the individual Acts. Any doubt as to the scope of the regulation may be clarified by contacting the supervisory authority in question.

In order for the regulations to apply in the area covered by the Pollution Control Act, the enterprise must have employees. As a general rule the same is true in regard to the Working Environment Act. Hence one-man enterprises are not expressly required to establish internal control for compliance with the Pollution Control Act or with regulations pursuant to the Working Environment Act. Such businesses may however come under a co-ordinated internal control system if they perform work together with other firms at the same workplace; cf. section 6 of the regulation.

In the area covered by the legislation on electricity, fire prevention, product control, gene technology and radiation protection, the fact that an enterprise has or does not have employees has no bearing on the application of the regulations. This has to do with the purpose of the particular legislation. All businesses, including one-man enterprises, coming under the provisions of electricity, fire prevention, product control, gene technology and radiation protection legislation are encompassed by the internal control regulations unless it is specifically stated that the regulation is not applicable.

The obligation to maintain internal control also applies to any enterprise that engages independent contractors to carry out construction assignments. Such enterprises must have internal control encompassing the health, environmental and safety requirements imposed on them by virtue of their construction activities and their relationship with the contractors. They are accordingly required to incorporate in their internal control systematic

measures to satisfy the requirements of the Regulation concerning Minimum Safety and Health Requirements at Temporary or Mobile Construction Sites (otherwise called the Construction Sites Safety and Health Regulations (Construction Client Regulations), laid down by Royal Decree of 21 April 1995.

In regard to the Product Control Act, the regulation applies to enterprises which manufacture, process, import, market or utilise a product or treat a product in any other way, and enterprises which offer a service to consumers. Enterprises which offer the use of products or services are subject to the regulations regardless of whether or not they receive payment for doing so.

Municipalities offering for example the use of goalposts, playground equipment etc., are subject to the regulations.

The regulations also encompass the municipalities' obligations under the Act relating to fire and explosion prevention to ensure the establishment and operation of a fire service.

Internal control as a principle of management and supervision has been introduced in several areas. Hence many enterprises are required to operate internal control encompassing several different acts and associated regulations, among them the food and fisheries industry and schools and day care institutions. Enterprises coming under several different internal control provisions must consider the most appropriate way of complying with the requirements. In many cases a practical approach would be to draw up an overall system which takes all the relevant legislation into account.

Re section 4 • Obligation to maintain internal control

The obligation to introduce and operate internal control rests with «the person responsible» for the enterprise. By this is meant the management or owner of the enterprise. Who, or which functions may be entailed, varies according to the enterprise's organisational set-up. Although internal control must be performed at all levels of the enterprise, the main responsibility for initiating the system (i.e. for «introducing» internal control) and for maintaining it (i.e. for «performing» it) is vested in top management of the enterprise. This section makes clear, however, that internal control must be introduced and operated in collaboration with the employees, the working environment committee, safety delegate(s) and/or employee representatives where such exist.

Who is «responsible» for the enterprise will depend on the various acts underlying the regulation. Examples of persons responsible for implementing the regulation are:

- the employer (under the Working Environment Act)
- the management as shown in the enterprise's organisational set-up or structure (under the Pollution Control Act)
- anyone in charge of the manufacture, storage, transport (including loading and unloading), procurement, use and import and export of explosives and trade with such goods (under the Product Control Act)
- owners and users (under section 48 of the Norwegian Civil Defence Act, cf. section 41)
- undertakings (under the Act relating to fire and explosion prevention)
- owners and users of electrical installations and electrical equipment; producers, as well as importers and other distributors, of electrical equipment; electro-fitters and the like (under the Supervision of Electrical Installations and Electrical Equipment Act)
- the management of undertakings as shown by the undertakings' organizational or company structure (under the Gene Technology Act)
- the management of undertakings as shown by the undertakings' organizational or company structure (under the Act on radiation protection and use of radiation)

It is implicit in section 4 that the person responsible for the enterprise is obliged to see that internal control is monitored and reviewed to ensure that it functions as intended. This requires continual assessment of internal control activities to enable shortcomings to be identified. It also entails a complete review at regular intervals, i.e. a review of the entire internal control system; cf. section 5, subsection 8.

Section 4, second paragraph, expressly states that employee participation is obligatory. This is also a general condition of employment contracts. Hence participation in internal control activities is a requirement. Sections 24 and 26 of the Working Environment Act expressly require safety delegates and members of working environment committees to participate in establishing and maintaining internal control. Moreover, under section 12, subsection 3, of the same Act employees and their union representatives are entitled to be consulted in connection with management and planning systems. Indeed, internal control is regarded as a management and planning system coming under section 12, subsection 3, of the Act. For firms which are bound by a collective pay agreement the same provisions are set out in chapter IX of the Main Agreement between the main worker and employer organisations.

It is absolutely essential that internal control be integrated in the overall management and planning of the enterprise. More and more enterprises are now concerned to integrate their relationship to the external environment into their organisation strategy and profile, and internal control is an instrument suited to strengthening this work within the enterprise. Employees too will be interested in giving their enterprise an environmental profile and in contributing to a more environment-friendly community. Internal control

must also incorporate requirements in regard to the external environment, and is therefore an instrument which the employees and their elected representatives can use to influence dispositions by the enterprise affecting the environment. Moreover, it is clearly essential to turn employees' experience to account to ensure that internal controls function properly. Their familiarity with, for example, various inputs in production, procurement, waste treatment etc., represents valuable knowledge which can contribute to a systematic review of all aspects of the enterprise that affect the external environment. The scope for conflicts of interest would appear to be limited inasmuch as consideration for the working environment and the external environment generally pull in the same direction.

Enterprises encompassing both employees and customers/users - e.g. hospitals, schools, day care institutions and hotels - have a responsibility for the health, environment and safety of both groups. Where this type of activity is concerned it is important to keep in mind that the legislation can impose requirements directed at one of the above groups - employees or users - or at both groups. The Product Control Act deals with the safety of the pupils etc., while the Working Environment Act covers the employees. The Act relating to fire and explosion prevention sets requirements concerning the safety both of hotel guests and the hotel staff. In the latter case the internal control system must include all the acts making up the legal basis for the regulations to ensure that it encompasses both employees and users.

Re section 5 • Content of systematic health, environmental and safety activities. Documentation requirements

Section 5 sets requirements as to the content and documentation of internal control. Subsection 2 requires all employees to possess the knowledge and skills they need to perform their work in a safe and, from a health and environment angle, proper manner. Hence they also have to be aware of changes made to the internal control system. Some knowledge requirements are fixed by rules or collective agreement, for example in the case of safety delegates, industrial safety personnel, etc. Other requirements naturally follow from the nature of the enterprise, its activities and inherent risks.

Subsection 3 requires the collaboration and involvement of the employees in regard to drawing up, performing and making changes to the internal control system; cf. also section 4.

The enterprise must have an objective for its health, environment and safety activities in the same way as for other areas of its operations. This is set out in subsection 4. Objecti-

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ves are an important precondition for plans and activities and should be cast in as concrete a form as possible. Overall objectives must also be established. Objectives must be documented in writing.

The third paragraph points out that documentation of internal control will vary according to the nature, activities, inherent risks and size of the enterprise concerned. Some enterprises will make thoroughgoing risk analyses, while others will make do with simpler documentation. Internal control requires good order and a carefully prepared system. Implicit here is the need for all employees to be familiar with the enterprise's practice of internal control in regard to health, environment and safety, and the supervisory authorities must be given a clear view of the enterprise's policy and practice as regards health, environmental and safety activities.

Where routines and procedures in regard to health, the environment and safety already exist, the enterprise will be required to further develop such routines and procedures into a coherent system. This will include systematising work routines, instructions and the like that already exist in writing in such a way that they can be incorporated in an internal control system. Where regulations impose requirements as to certification, certificates must be subject to internal control. It may also be useful and expedient for other documentation obtained by the enterprise - e.g. voluntary certificates confirming that a product, a service or an activity, or a person's competence, are in conformity with specified requirements - to be included in the documentation

Re Section 6 • Co-ordination

This provision applies in situations where two or more enterprises perform work/activity together, or for each other, at the same workplace. The first paragraph covers, among other things, situations mentioned in section 15 of the Working Environment Act, while the second paragraph covers situations where an enterprise engages independent contractors to perform work on its behalf - e.g. maintenance or construction work.

Under the first paragraph, enterprises which perform work at one and the same workplace simultaneously must agree in writing which of them is to be responsible for co-ordinating internal control of joint activities or areas. This provision is grounded in the obvious need for someone with responsibility for, and an overview of, the overall health, environmental and safety situation at such workplaces. The requirement is confined to cases where co-ordination is considered necessary. Co-ordination is mandatory where two or more enterprises together have more than 10 employees working at the same workplace at the same time, cf. section 15 of the Working Environment Act. Also in cases where the number of employees is smaller than 10, situations are conceivable where the risk associated with having two or more enterprises at the same workplace is considered great enough to warrant co-ordinating the enterprises' internal control systems.

In addition to establishing which enterprise has co-ordinating responsibility, the agreement should also specify the areas and/or activities to which this responsibility applies. Which enterprise singles itself out to take care of co-ordination will vary from case to case. In some cases it will be the one that contracts out an assignment, while in others a particular enterprise may be required to assume responsibility for co-ordination by virtue of the terms of its licence.

Rules governing co-ordination of two or more enterprises are set out in section 15 of the Working Environment Act and in the Construction Sites Safety and Health Regulations (Construction Client Regulations), among others. An enterprise assigned main co-ordinating responsibility under section 15 of the Working Environment Act will as a rule also have such responsibility under the Internal Control Regulation. According to the Construction Sites Safety and Health Regulations, the enterprise for which building operations are carried out and/or the project supervisor is/are responsible for designating a health, environment and safety co-ordinator at the building or construction site. The assumption is that the interests of co-ordinated internal control and health, environment and safety are best taken care of if one and the same enterprise bears responsibility for all the statutory obligations involved. Where there are two or more enterprises, each discharging obligations pursuant to different bodies of rules, they must co-ordinate operations to ensure that the overall result is in conformity with the law. At enterprises operating at e.g. shopping centres, industrial parks and the like, it may in many cases be natural for the operating company or holding company to assume co-ordinating responsibility. The enterprise in question must in all cases have the necessary overview, competence and authority.

If no agreement has been reached, the authorities may decide which of the enterprises shall be responsible for co-ordination. In special cases the supervisory authorities can also reverse an already formalised agreement. The precondition is that an enterprise assigned responsibility for co-ordinating internal control on a site where two or more different enterprises are working simultaneously must have the necessary overview, competence and authority to assume such responsibility. If the supervisory authorities find that the enterprise that has formally agreed to take on such responsibility is unfit to do so, the agreement may be cancelled.

The second paragraph deals with internal control in relation to independent contractors. This provision only applies to contract work done in connection with assignments on the commissioning enterprise's own site or installation.

The point of departure is that an enterprise carrying on activities connected with a physical installation etc., is obliged to ensure that all activities on the site are encompassed by internal control, regardless of whether or not those performing the activities are employed by the commissioning enterprise. The reason for this is that it is often immaterial

whether the persons exposed to risk while working are employed by the enterprise or not. The same will naturally apply where there is a risk of polluting the external environment, and otherwise in connection with safety and protection measures needed to prevent dangerous or harmful situations from arising as a result of an enterprise's own activities. The internal control employed will be that of the contractor who performs the contract. This entails that the commissioning enterprise has to assess the risks arising when suppliers and contractors carry out activities on its site. Where contractors are engaged as a standing arrangement or on a frequent basis, fixed routines for this may need to be included in the enterprise's own internal control system. Where contractors are engaged only by way of exception, risks must be assessed on a case-by-case basis. What is essential is to assess any environmental or other hazards associated with the assignment.

According to the rules the person responsible for the enterprise must investigate whether the contractors engaged by the enterprise operate satisfactory internal control. In many cases it will be necessary to assess whether the enterprise's own internal control includes general routines and measures dealing with, say, the working environment, use of fire, protective equipment or pollution risks.

The degree of mutual modification and/or correction of the internal control of the commissioning enterprise and the contractor respectively will vary both with the type and scale of the contract, the enterprise's size and inherent risk factors and how satisfactory the contractor's internal control is considered to be. The aim throughout must be to ensure that internal control is co-ordinated to the degree required to ensure that the result is in conformity with the legislation.

As a rule no co-ordination of internal control will be called for where the enterprise purchases components, parts and equipment from another enterprise.

Re Section 7 • Supervisory authority

This provision establishes who is responsible for supervising compliance with the regulations. The following bodies are supervisory authorities pursuant to the regulation:

- Norwegian Labour Inspection Authority (Working Environment Act)
- Directorate for Fire and Electrical Safety municipal fire prevention authorities (the Act relating to fire and explosion prevention)
- Directorate for Fire and Electrical Safety local inspections (Supervision of Act relating to inspection of Electrical Installations and Electrical Equipment, and parts of the Product Control Act as regards consumer services and the physical, thermal, mechanical and fire prevention properties of the products)
- Norwegian Pollution Control Authority (Pollution Control Act and Product Con-

trol Act)

- County governors (Pollution Control Act and certain regulations in pursuance of the Product Control Act)
- Industrial Safety and Security Organisation (Civil Defence Act)
- Norwegian Maritime Directorate (Regulations relating to pleasure boats issued pursuant to the Product Control Act)
- Directorate for Nature Management (Gene Technology Act; release of genetically modified organisms)
- Norwegian Directorate for Health and Social Welfare (Gene Technology Act; contained use of genetically modified organisms)
- Norwegian Radiation Protection Authority (Act on radiation protection and use of radiation)

The supervisory authorities utilise systems-based audits and verifications to assess the health, environmental and safety status at enterprises, placing the emphasis on preventive health, environment and safety work. The supervisory authorities do not confine themselves to assessing directly negative events such as injuries, emissions and absence from sickness. They also provide guidance on understanding the regulation's requirements and the principles of internal control. The scope of their obligation to provide guidance is regulated in the Public Administration Act. Trade organisations etc. can also give affiliated enterprises guidance on solutions appropriate to the branch of industry in question.

Re Section 8 • Exemptions

Assessments must take into account the consequences of exemption for health, environmental and safety activities at the enterprise.

Re Section 9 • Appeals

The supervisory authorities may make various types of decision to enforce this regulation. They may for example order an enterprise to comply with the requirement to establish internal control. Another example could be ordering an enterprise to comply with the requirements as to documentation of internal control. Such orders will normally take the form of «administrative decisions» which can be appealed to the immediate superior agency (see overview below). Orders to rectify breaches of an enterprise's internal control system and the like are issued pursuant to the internal control regulations. Orders to rectify concrete contraventions of the underlying body of laws and regulations are made in pursuance of the latter. Both types of order can be appealed to the agency superior to the agency which issued the order.

Decisions/orders made by the local Labour Inspectorate may be appealed to the Directo-

rate of Labour Inspection. Decisions/orders made by the Directorate of Labour Inspection at first instance may be appealed to the Ministry of Labour and Social Affairs.

Decisions/orders made by the Municipal Council or County Governor may be appealed to the Directorate for Civil Defence and Emergency Planning. Section 28 (2) of the Public Administration Act shall apply to other municipal decisions.

Decisions made by the local electrical safety inspection authority may be appealed to the Directorate for Civil Defence and Emergency Planning.

Decisions/orders made by the Directorate for Civil Defence and Emergency Planning at first instance, may be appealed to the Ministry of Justice and the Police.

Decisions/orders made by the county governor at first instance may be appealed to the Norwegian Pollution Control Authority.

Decisions/orders made by the Norwegian Pollution Control Authority at first instance may be appealed to the Ministry of the Environment.

Decisions/orders made by Industrial Safety and Security Organisation may be appealed to the Directorate for Civil Protection and Emergency Planning.

Decisions made by the Norwegian Maritime Directorate as regards pleasure boats may be appealed to the Ministry of Trade and Industry.

Decisions/orders made by the Directorate for Nature Management may be appealed to the Ministry of the Environment.

Decisions/orders made by the Norwegian Directorate for Health and Social Welfare may be appealed to the Ministry of Health and Care Services.

Decisions made by the Norwegian Radiation Protection Authority may be appealed to the Ministry of Health and Care Services.