

## Ingo Jensen

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**Emne:** VS: Anmodning om bidrag til besvarelse af Folketingsspørgsmål/Request for contribution to reply to questions from the Danish Parliament

**Vedhæftede filer:** Act-No-46-1980-with-subsequent-amendments.pdf; Anmodning om bidrag til besvarelse af folketingsspørgsmål om straf for arbejdsmiljølovsovertrædelser.docx; Request for contributions to reply to questions from the Danish Parliament (Folketing) regarding penalties for breaches of the Danish Working Environment Act.docx; BEU spm. nr. 92.pdf; BEU spm. nr. 93.pdf; BEU spm. nr. 94.pdf; BEU spm. nr. 95.pdf; BEU spm. nr. 96.pdf

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**Fra:** Bjarnheiður Gautadóttir [<mailto:bjarnheidur.gautadottir@vel.is>]

**Sendt:** 30. september 2015 18:54

**Til:** Sofie Bisbjerg

**Cc:** Hanna Sigríður Gunnsteinsdóttir; Eva Margrét Kristinsdóttir

**Emne:** Re: Anmodning om bidrag til besvarelse af Folketingsspørgsmål/Request for contribution to reply to questions from the Danish Parliament

Dear Sofie Bisbjerg

Reference is made to the letter from the Danish Working Environment Authority, dated 10 September 2015, regarding penalties for infringement of the Working Environment Act in Iceland.

Herewith the Icelandic Ministry of Welfare sends you the answers to your questions together with an English version of the Act on Working Environment, Health and Safety in Workplaces, No 46/1980, with subsequent amendments.

*Question 92:*

There is no table in the Act on Working Environment, Health and Safety in Workplaces, No 46/1980, with subsequent amendments, where fines are broken down into categories.

However in the event of violation of the provisions of the Act, or of regulations issued under the Act, and non-compliance with a decision of the Administration of Occupational Safety and Health based on the Act, the institution may decide that the person or persons to whom the decision applies shall pay *per diem* fines until the decision is complied with, *cf.* Article 87 of the Act. A decision regarding *per diem* fines shall be announced to the person or persons to whom it applies by letter in a verifiable manner, *cf.* the same Article.

*Per diem* fines of up to ISK 100,000 per 24-hour period may be imposed. When the amount of *per diem* fines is determined, factors taken into account shall include the degree of urgency of the corrective measures to be taken and the size and extent of the business operations involved, *cf.* Article 87 of the Act.

*Question 93:*

According to Article 99 of the Act on Working Environment, Health and Safety in Workplaces, No 46/1980, with subsequent amendments, non-compliance with the Act and regulations that are issued accordingly are punishable by fines, unless heavier punishment is applicable through other legislation.

Imprisonment of employers is therefore not a penalty option in Iceland in cases of infringements of the Act on Working Environment, Health and Safety in Workplaces, No 46/1980, with subsequent amendments, and regulations that are issued according to the Act.

*Question 94:*

If the Administration of Occupational Safety and Health has claimed with due notice that improvements should be carried out on defective conditions and which can be classified as infringement of the Act or the regulations and announcements which have been issued in accordance with the Act, and these improvements have not been carried out when that time limit has passed, the Administration of Occupational Safety and Health can have the operations stopped, and close the enterprise or the part thereof at which the claim is aimed, *cf.* Article 84 of the Act on Working Environment, Health and Safety in Workplaces, No 46/1980, with subsequent amendments.

If the Administration of Occupational Safety and Health considers that there is considerable danger to the life or health of employees or others, the Administration can demand an immediate action be taken to improve the lack of security, or they can stop the part of the operations in question, *cf.* Article 85 of the Act on Working Environment, Health and Safety in Workplaces, No 46/1980, with subsequent amendments.

An appeal of such decisions according to Articles 84 and 85 does not postpone the suspension of operations or the closing of a part thereof, *cf.* Article 85 of the Act on Working Environment, Health and Safety in Workplaces, No 46/1980, with subsequent amendments.

According to the Administration of Occupational Safety and Health the Administration has used the option stated in articles 84 and 85 demanding an immediate action to be taken to improve the lack of security or to stop the part of the operations in question several times over the last years or on average 74 times a year over the last five years.

Furthermore the Administration has used the option to decide fines according to Article 87 of the Act several times over the last years. In 2015 there have already been seven cases regarding Article 87, in the years 2014 and 2013 there were also seven cases each year but in 2012 the aforementioned cases were eleven.

**Question 96:**

According to Article 99 of the Act on Working Environment, Health and Safety in Workplaces, No 46/1980, with subsequent amendments, non-compliance with the Act and regulations that are issued accordingly are punishable by fines, unless heavier punishment is applicable through other legislation.

Community service is therefore not a penalty option in Iceland in cases of infringements of the aforementioned Act and regulations that are issued according to the Act.

If you need more information regarding the Icelandic Act on Working Environment, Health and Safety in Workplaces do not hesitate to contact us again.

*Enclosed is the English version of the Iceland Act on Working Environment, Health and Safety in Workplaces, No 46/1980, with subsequent amendments.*

*(See attached file: Act-No-46-1980-with-subsequent-amendments.pdf)*

With regards  
Bjarnheiður



Bjarnheiður Gautadóttir, lögfræðingur/Senior Legal  
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Velferðarráðuneyti / Ministry of Welfare  
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**From:** Sofie Bisbjerg [<mailto:sbi@at.dk>]

**Sent:** 14. september 2015 13:02

**To:** 'arbetsmiljoverket@av.se' <[arbetsmiljoverket@av.se](mailto:arbetsmiljoverket@av.se)>; 'kirjaamo@stm.fi' <[kirjaamo@stm.fi](mailto:kirjaamo@stm.fi)>;  
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**Cc:** Katrine Wied Christensen <[kwc@at.dk](mailto:kwc@at.dk)>; Lene Søvang Eisby <[lse@at.dk](mailto:lse@at.dk)>; Ingo Jensen <[inj@at.dk](mailto:inj@at.dk)>

**Subject:** Anmodning om bidrag til besvarelse af Folketingsspørgsmål/Request for contribution to reply to questions from the Danish Paliament

Til rette vedkommende

Se venligst vedhæftede anmodning om bidrag til besvarelse af folketingsspørgsmål om arbejdsmiljølovsovertrædelser. Vi anmoder om jeres bidrag senest den 1. oktober 2015.

To whom it may concern

Please note the attached request for contributions to reply to questions from the Danish Parliament (*Folketing*) regarding penalties for breaches of the Danish Working Environment Act. We kindly ask for Your response no later than October 1<sup>st</sup> 2015.

Med venlig hilsen/Kind regards

Sofie Bisbjerg  
Jurist, chefkonsulent  
Kontoret for Social dumping, Byggeri og Teknik  
Arbejdstilsynet  
Mail: [sbi@at.dk](mailto:sbi@at.dk) tlf.: 7220 8795



*(See attached file: Anmodning om bidrag til besvarelse af folketingsspørgsmål om straf for arbejdsmiljølovsovertrædelser.docx)(See attached file: Request for contributions to reply to questions from the Danish Parliament (Folketing) regarding penalties for breaches of the Danish Working Environment Act.docx)(See attached file: BEU spm. nr. 92.pdf)(See attached file: BEU spm. nr. 93.pdf)(See attached file: BEU spm. nr. 94.pdf)(See attached file: BEU spm. nr. 95.pdf)(See attached file: BEU spm. nr. 96.pdf)*



## VELFERÐARRÁÐUNEYTIÐ

*Ministry of Welfare*

### **Act on Working Environment, Health and Safety in Workplaces, No. 46/1980,**

**as amended by act No. 15/1986, No. 61/1990, No. 7/1996, No. 52/1997,  
No. 83/1997, No. 17/2003, No. 68/2003, No. 90/2004, No. 138/2005,  
No. 88/2008, No. 162/2010, No. 126/2011, No. 59/2013, No. 45/2015 and No. 80/2015.**

#### **CHAPTER I**

##### **Purpose and Scope.**

###### **Article 1**

The purpose of this Act is:

- a. to ensure a safe and healthy working environment which in general is in accordance with the social and technical developments in society,
- b. to ensure such conditions that within the workplaces it is possible to solve safety and health problems in accordance with acts and regulations, in accordance with guidelines from employers and employees and in accordance with guidelines and instructions from the Administration of Occupational Safety and Health.

###### **Article 2**

This Act covers all activities, where one or more persons are employed, whether they are owners of the enterprise or employees.

Exempted from this Act are:

- a. shipping operations and other projects that are specifically entrusted to [the Icelandic Transport Authority]<sup>1)</sup> *cf.* Act No. 51/1970<sup>2)</sup> and the Work by Divers Act, No. 12/1976.<sup>3)</sup> Also international agreements to which Iceland is a signatory, and will become a signatory, and which come under the field of operations of [the Icelandic Transport Authority]<sup>1)</sup> including those covering containers, the transport of hazardous substances, marine pollution, etc.,
- b. air traffic, *cf.* the Air Traffic Act No. 34/1964 and Act No. 71/1974, amending the Air Traffic Act No. 34/1964.<sup>4)</sup> Also international agreements to which Iceland is a signatory, and will become a signatory, and which come under the field of operations of [the Icelandic Transport Authority]<sup>1)</sup>,
- c. ...<sup>5)</sup>

<sup>1)</sup> Act No. 59/2013, Article 1. <sup>2)</sup> Now Act No. 6/1996. <sup>3)</sup> Now Act No. 31/1996. <sup>4)</sup> Now Act No. 60/1998. <sup>5)</sup> Act No. 68/2003, Article 1.

###### **Article 3**

This Act covers work on aircrafts on the ground, with the exception of the work of the crews.

This Act also covers loading and unloading of ships including fishing vessels, as well as repairs on board ships and related activities. The Act does not cover the equipment on ships that is used

for this purpose. Neither does this Act cover registered crews members unless they work under supervision from ashore.

The Minister can, in consultation with the Director of the Administration of Occupational Safety and Health, advocate through regulations,<sup>1)</sup> that instruments, machinery and structures or construction projects not covered by this Act shall be subject to the inspection prescribed by this Act, provided that they are not dependent on other legislation.

<sup>1)</sup> Regulation No. 453/1991 (on mechanical equipment in amusement parks). Regulation No. 497/1994 (on the use of personal protection equipment). Regulation No. 501/1994 (on the type of personal protection equipment), cf. No. 690/1998 and No. 584/1999. Regulation No. 503/1994 (on lifting and mechanical handling appliances). Regulation No. 54/1995 (on registration, supervision and tendance of lifts and lifting appliances). Regulation No. 99/1996 (on simple pressure vessels). Regulation No. 108/1996 (on appliances burning gaseous fuels). Regulation No. 571/2000 (on pressure equipment). Regulation No. 761/2001 (on machinery and technical equipment). Regulation No. 668/2002 (on cableway installations designed to carry persons), cf. No. 510/2003. Regulation No. 279/2003 (on noise emission in the environment by equipment for use outdoors), cf. No. 1136/2008. Regulation No. 341/2003 (on passenger lifts and passenger- and service lifts), cf. No. 1003/2009. Regulation No. 465/2009 (on the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery). Regulation No. 1005/2009 (on machinery and technical equipment). Regulation No. 260/2012 (on aerosol dispensers). Regulation No. 218/2013 (on transportable pressure equipment).

## **CHAPTER II**

### **Safety and Health Activities within Enterprises. Relationship between Employers and Employees.**

#### **Article 4**

In enterprises employing one to nine people, the employer and/or his/her foreman shall work towards a good working environment, and health and safety at the workplace, in close cooperation with the employees of the enterprise and their trade union representative, cf., however, paragraph 2 of this Article.

The Director of the Administration of Occupational Safety and Health can decide, if need be, that the arrangements outlined in Article 5 be valid also for groups listed in this Article in special cases, cf. as an example those listed in Articles 40 and 44 of this Act.

#### **Article 5**

In enterprises employing 10 people or more, the employer shall appoint one person as a safety guard on his/her behalf and the employees shall appoint another from their group as a safety representative. Cooperatively they shall ensure that working environment, health and safety at the workplace is in accordance with this Act.

#### **Article 6**

In enterprises employing 50 people or more, a safety committee shall be established. The employees select from their group two representatives and the employer appoints two representatives. This committee shall organize activities concerning the working environment, health and safety within the enterprise, inform the employees on these matters, inspect the workplaces and ensure that measures taken to improve the working environment, health and safety are fully effective.

When employees of the Administration of Occupational Safety and Health inspect the enterprise they shall contact the employer or his/her representative, the safety representative of the employees, their trade union representative, cf. paragraph 1 of Article 4, and the safety committees where they are operated. The named parties shall be assisted as much as possible in bringing their problems to the Administration of Occupational Safety and Health.

#### Article 7

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue further regulations<sup>2)</sup><sup>3)</sup> concerning the organisation and execution of measures aiming at added safety and improved working conditions and health within enterprises, such as about the establishment of working groups and safety committees and their tasks, as well as the daily administration of activities concerning added safety and improved working environment and health within enterprises.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 920/2006. <sup>3)</sup> Act No. 68/2003, Article 2.

#### Article 8

The employer is obliged to appoint a representative to the safety committee with full powers if he/she is not a member of the committee.

The employer shall promote the cooperation of those elected to deal with working conditions, health and safety in the workplaces and those who are in charge of health services [and the protection of workers' health].<sup>1)</sup> Furthermore he/she shall guarantee that those elected to deal with working conditions, health and safety in the workplace and those who are members of the safety committee are allocated appropriate time to attend to their duties as supervisors of the working environment, health and safety.

The employer shall ensure that those who are elected to handle the working environment, health and safety in his/her enterprise can have the opportunity to acquire necessary knowledge and education concerning working environment, health and safety in the workplaces.

The employer shall share with the named parties all plans concerning working environment, health and safety in the workplace.

<sup>1)</sup> Act No. 68/2003, Article 3.

#### Article 9

The employer shall pay expenses incurred through actions aimed at the improvement of the working environment, health and safety, and reimburse those who suffer loss of income due to these activities.

The safety representatives and the representatives of the employees in safety committees shall be guaranteed the protection defined in Article 11 of Act on Trade Unions and Industrial Disputes, No. 80/1938.

#### Article 10

The Administration of Occupational Safety and Health shall ensure, in cases when safety and health of the employees so demand, that the enterprise in question is offered specialized services for activities aimed at improved working environment, health and safety.

### CHAPTER III

...<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 4.

### CHAPTER IV

#### General Obligations.

##### *a. Obligations of the Employers.*

#### Article 12

The employer signifies, in this Act, anybody who operates any kind of business, *cf.* Article 90 of this Act.

If the activities covered by this Act are operated jointly by two or more people, only one of them shall be considered the employer according to this Act, but the other/others are employees.

provided that they work for the company. The Administration of Occupational Safety and Health must be notified who is considered the employer.

The executive director of a company is considered the employer in this Act.

In the case of a public enterprise, the person in charge of the operation is considered employer, and the Administration of Occupational Safety and Health shall be notified of the person's name.

#### Article 13

The employer shall ensure full safety and good working environment and health in the workplace. In particular this applies to:

- a. Chapter V concerning work processes,
- b. Chapter VI concerning workplaces,
- c. Chapter VII concerning machinery, equipment, etc.
- d. Chapter VIII concerning dangerous substances and goods,
- e. Chapter XI on risk assessment, health protection and medical checkups.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 5.

#### Article 14

The employer shall inform the employees of all dangers of accidents and health hazards which may be associated with their work. The employer shall, furthermore, ensure that the employees receive education and training for their jobs to minimize dangers associated therewith.

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue further regulations<sup>2)</sup><sup>3)</sup> about the obligations of the employers according to paragraph I of this Article.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 553/2004, cf. No. 286/2006. Regulation No. 165/2011. Regulation No. 980/2014. <sup>3)</sup> Act No. 68/2003, Article 2.

#### Article 15

The employer shall provide the safety representatives with instructions issued by the Administration of Occupational Safety and Health, and the safety representatives shall have access to the inspection reports and other documents concerning working environment, health and safety of the workplace, cf. Article 88 of this Act.

#### Article 16

The employer shall guarantee that cooperation on safety, working environment and health, according to Chapter II of this Act, is as active as possible and the employer must also participate in this cooperation.

#### Article 17

Where the same workplace is shared by more than one employer, they and others who work there shall cooperatively attempt to guarantee a good working environment as well as healthy and safe working conditions in the workplace.

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue further regulations<sup>2)</sup><sup>3)</sup> concerning cooperation in cases according to paragraph I of this Article.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 349/2004. Regulation No. 920/2006. <sup>3)</sup> Act No. 68/2003, Article 2.

#### Article 18

When the Administration of Occupational Safety and Health so demands or when conditions in other aspects so require, the employer shall initiate a survey or an inspection, if appropriate,

carried out by specialists to ensure that the working conditions fulfil the provisions of this Act concerning working environment, health and safety, *cf.* also Article 80 of this Act.

#### Article 19

The employer shall fulfil his/her report duties to the Administration of Occupational Safety and Health according to Chapter XII, and keep records according to rules issued by the Administration of Occupational Safety and Health.

The Director of the Administration of Occupational Safety and Health can, for the purpose of collecting data and reporting, request information from the employers concerning:

- a. number of employees, their sex and age,
- b. machinery, parts of machines, containers, vessels, tools, instruments, and other technical equipment,
- c. explosive and combustible substances, poisonous and dangerous substances,
- d. other information which may be important as concerns working environment, health and safety in the workplaces.

In reports based on such information, names of individuals and companies must not be listed.

#### *b. Obligations of Foremen.*

##### Article 20

Foreman signifies, in this Act, each individual who, on behalf of the employer, is in charge of operations and provides supervision in the enterprise or in a part thereof.

##### Article 21

The foreman is the representative of the employer and ensures that all equipment is safe and the organisation is safe in those workplaces which he/she is in charge of.

##### Article 22

The foreman shall participate in cooperation aiming at added safety and improved working environment and health in the workplace, *cf.* Chapter II of this Act.

##### Article 23

The foreman shall make an effort to make the working conditions within the field he/she supervises satisfactory as concerns working environment, health and safety. He/she shall ensure that proper measures are taken towards increased safety and improved working environment and health.

In cases where the foreman becomes aware of something which could lead to accidents or diseases, he/she shall ensure that such dangers are averted. If the danger cannot be averted through available means he/she shall notify the employer immediately. The foreman, furthermore, is responsible for the obligations outlined in Article 86 in this Act.

#### *c. Obligations of the Employees.*

##### Article 24

Employee signifies, in this Act, each individual who holds a job for services paid by someone else. [Students and apprentices shall also be considered as employees, even though they work without payment, providing that their work constitutes part of formal studies.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 6.

##### Article 25

Employees shall participate in activities which aim at increased safety and improved working environment and health in the workplace, *cf.* Chapter II of this Act.



#### Article 26

Employees shall work towards making the working conditions within their field satisfactory as concerns working environment, health and safety, and, furthermore, ensure that proper measures are taken towards increased safety and improved working environment and health according to this Act.

In cases where an employee becomes aware of a defect or deficiency which can lead to limited safety or deteriorated working environment or health conditions without being able to solve the problem, he/she shall immediately notify the safety guard, the safety representative, the foreman or the employer.

#### Article 27

If protective guards or comparable safety measures need to be removed during repair or installation of an instrument or machinery, the person who is in charge of the job must immediately replace the safety equipment or make other suitable arrangements upon the completion of the job.

#### Article 28

Those who work in a workplace where more than one employer take part in the job of the same employees, shall follow all valid rules concerning cooperation on the working environment, health and safety, *cf.* Articles 17 and 36 of this Act, in addition to rules concerning the job they themselves are occupied with. When an employee is working outside his/her ordinary workplace, he/she shall follow all valid rules concerning working environment, health and safety at the workplace in question, in addition to rules concerning the job that he/she is occupied with.

#### *d. Obligations of those who sell, install, repair and design Machinery, Instruments, Tools and other Equipment for use in Enterprises.*

#### Article 29

Those who sell, deliver or exhibit machinery, parts of machinery, containers, vessels, boilers, building units, instruments, tools, and other things used for business purposes, shall guarantee, that when exhibited or delivered for use, they are equipped with the appropriate protective and safety equipment and that their use does not lead to accidents or health hazards, *cf.* Chapter VII of this Act.

Necessary and simple instructions in the Icelandic language concerning the handling, maintenance, transportation, installation and finishing shall accompany the goods when delivered.

If any of the equipment specified in paragraph 1 of this Article, is ready for delivery, is forwarded, resold, lent or rented, the same rules apply as specified above.

When the Administration of Occupational Safety and Health so demands or considers appropriate an importer or producer shall conduct an investigation, study, measurements, pressure tests and other necessary tests to prove that the equipment in question fulfils the requirements as concerning working environment, health and safety.

#### Article 30

Any machinery, exhibited or sold in this country, shall be clearly and permanently labelled indicating the producer, and if imported, also with the name and address of the importer, or labelled in another such manner that it is easy to verify who is the producer of the machinery, and when appropriate, who is the importer.

#### Article 31

Anybody who undertakes to install, change or repair machinery, instruments or other equipment shall follow all valid rules and instructions for these instruments, machinery or other equipment.

If the repair constitutes only a part or a few parts of the machine or instrument the person who undertakes the job shall follow all valid rules and instructions which concern each part of the machine or instrument.

If the person who installs, changes or repairs the instrument, machine or other equipment notices a defect or deficiency which may have an effect on the working environment, health and safety he/she shall immediately notify the owner or those who use the instrument.

#### Article 32

Those in charge of designing the equipment listed in paragraph 1 of Article 29, production lines, buildings that house workplaces and any other construction intended for use in business operations, shall in their design pay attention to good working environment, health and safety with reference to the work and operations in those buildings and constructions.

All legislation and regulations that are valid at each particular time concerning working environment, health and safety must be complied with.

The provisions in this Article are also valid for those who assume consultative role concerning working environment, health and safety in the workplaces.

#### Article 33

The provisions in Article 29, 30, 32 and paragraph 2 in Article 34 are also valid for those who provide, sell or deliver substances or goods which can be dangerous or can in other manner reduce safety or cause health hazards.

#### Article 34

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue further regulations<sup>2)</sup><sup>3)</sup> concerning issues from Articles 29–33.

The provisions in Articles 29–33 do not release the user from any obligations according to this Act.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 491/1987 (on protection against atmospheric pollution when welding). Regulation No. 90/1989 (on lawnmowers and uniaxial gardening machinery). Regulation No. 453/1991 (on mechanical equipment in amusement parks). Regulation No. 99/1996 (on simple pressure vessels). Regulation No. 377/1996 (on pressure vessels). Regulation No. 140/1998 (on filling stations for gas cylinders). Regulation No. 571/2000 (on pressure equipment). Regulation No. 761/2001 (on machinery and technical equipment). Regulation No. 279/2003 (on noise emission in the environment by equipment for use outdoors), cf. No. 1136/2008. Regulation No. 341/2003 (on passenger lifts and passenger- and service lifts), cf. No. 1003/2009. Regulation No. 465/2009 (on the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery). Regulation No. 1005/2009 (on machinery and technical equipment). Regulation No. 260/2012 (on aerosol dispensers). Regulation No. 218/2013 (on transportable pressure equipment). <sup>3)</sup> Act No. 68/2003, Article 2.

#### Article 35

[[The Minister]<sup>1)</sup> may, under special circumstances and after receiving the comments of the Board of the Administration of Occupational Safety and Health, issue regulations<sup>2)</sup><sup>3)</sup> which make an exemption from the provisions in Articles 29–33. Such decisions can be issued only by the Director of the Administration in very exceptional cases.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 571/2000. Regulation No. 761/2001. Regulation No. 341/2003, cf. No. 1003/2009. Regulation No. 465/2009. Regulation No. 1005/2009. Regulation No. 218/2013. <sup>3)</sup> Act No. 68/2003, Article 7.

*e. Obligations of a Contractor and Others.*

**Article 36**

If more than one contractor works on a construction project at the same time, the construction manager, if present, or otherwise the master builder shall be in charge of provisions to prevent accidents and an unhealthy environment.

This provision does not reduce the responsibilities of the individual construction manager as an employer according to this Act.

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue further regulations]<sup>2)</sup> on these issues.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Act No. 68/2003, Article 8.

**CHAPTER V**

**Execution of a Job.**

**Article 37**

Jobs shall be managed and executed in such a manner that full safety and a good working environment and health is ensured.

Certified standards, valid legislation and regulations, as well as instructions from the Administration of Occupational Safety and Health concerning working environment, health and safety shall be complied with.

**Article 38**

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue [regulations]<sup>2), 3), 4)</sup> on which provisions shall be complied with as concerns the organisation, arrangement and execution of jobs, such as:

- a. about the safety and health provisions as concerns work, work methods, processing and production methods such as to prevent collapse, fall, slide, vibration, noise, dangers of explosion and fire, or health hazards due to radiation, poisonous or dangerous substances, gasses, steam, smoke or other air pollution, heat, cold, stench, infection from contagious diseases or health damage due to incorrect working positions, incorrect movements or too much strain, [or how to reduce the effects of mentally or physically monotonous works and works at a predetermined work-rate],<sup>5)</sup> or other provisions which are significant in this connection,
- b. about the prohibition of particularly dangerous jobs, production, work, or processing methods,
- c. about the mounting of explicit warnings and/or fencing a workplace or demarcation through other means,
- d. about the design and use of protective equipment, such as suitable clothing, safety helmets, protection equipment against noise and radiation, goggles, heavy-duty footwear, dust-masks, gas-masks or other protection against air pollution as well as other equipment not listed here. The employees are obliged to use such safety equipment when obligatory for their particular job according to the Administration of the Occupational Safety and Health.
- [e. on measures against bullying, sexual harassment, gender-based harassment and violence in workplaces.]<sup>2)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Act No. 80/2015, Article 1. <sup>3)</sup> Regulation No. 491/1987 (on protection against atmospheric pollution when welding). Regulation No. 90/1989 (on lawnmowers and uniaxial gardening machinery). Regulation No. 453/1991 (on mechanical equipment in amusement parks). Regulation No. 497/1994 (on the use of personal protection equipment). Regulation No. 498/1994 (on display screen equipment). Regulation No. 499/1994 (on safety and health for handling loads). Regulation No. 501/1994 (on the type of personal protection equipment), cf. No. 690/1998 and No. 584/1999. Regulation No. 578/1995 (on treatment of liquid nitrogen). Regulation No. 581/1995 (on workplaces' accommodation). Regulation No. 707/1995 (on safety and health signs in workplaces). Regulation No.

99/1996 (on simple pressure vessels). Regulation No. 108/1996 (on appliances burning gaseous fuels). Regulation No. 377/1996 (on pressure vessels). Regulation No. 547/1996 (on working environment, health and safety measures at construction sites), cf. No. 504/1999. Regulation No. 552/1996, cf. No. 349/2003, and Regulation No. 553/1996 (on safety and health protection in mineral-extracting). Regulation No. 140/1998 (on filling stations for gas cylinders). Regulation No. 684/1999 (on explosives). Regulation No. 571/2000 (on pressure equipment). Regulation No. 761/2001 (on machinery and technical equipment). Regulation No. 764/2001 (on protection of workers from risks related to exposure to biological agents at work). Regulation No. 98/2002 (on the protection of workers from risks related to exposure to carcinogens and mutagens at work). Regulation No. 279/2003 (on noise emission in the environment by equipment for use outdoors), cf. No. 1136/2008. Regulation No. 341/2003 (on passenger lifts and passenger- and service lifts), cf. No. 1003/2009. Regulation No. 349/2004 (on explosive atmosphere in workplaces). Regulation No. 553/2004 (on protection of workers from risks related to chemical agents in workplaces), cf. No. 286/2006. Regulation No. 1000/2004 (on measures against harassment at a workplace). Regulation No. 384/2005 (on work in refrigerated spaces in food production). Regulation No. 920/2006 (on the structure and implementation of occupational health and safety in workplaces). Regulation No. 921/2006 (on measures to protect workers against noise-induced stress in workplaces). Regulation No. 922/2006 (on measures to protect workers against stress induced by mechanical vibrations in workplaces). Regulation No. 430/2007 (on prohibition on the use of asbestos in workplaces). Regulation No. 390/2009 (on pollution limits and measures to reduce pollution in workplaces), cf. No. 1296/2012. Regulation No. 465/2009 (on the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery). Regulation No. 1005/2009 (on machinery and technical equipment). Regulation No. 165/2011 (on protection against stress due to artificial optical radiation at workplaces). Regulation No. 260/2012 (on aerosol dispensers). Regulation No. 218/2013 (on transportable pressure equipment). Regulation No. 980/2014 (on workers' protection from medical sharps' injuries when providing health service, including at hospitals).<sup>41</sup> Act No. 68/2003, Article 2. <sup>51</sup> Act No. 68/2003, Article 9.

#### Article 39

Where conditions concerning health and safety of the workers so demand, [the Administration of Occupational Safety and Health shall take measures to have]<sup>1)</sup> the enterprise in question makes plans about the production, work, and processing methods.

Such plans and their potential changes shall be introduced to the safety committees before they are executed.

<sup>1)</sup> Act No. 68/2003, Article 10.

#### Article 40

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue regulations<sup>2)</sup><sup>3)</sup> concerning:

- a. jobs which are subjects to serious danger of accidents, poisoning or disease shall only be executed by people who have received appropriate instruction, training or have finished a special examination and/or achieved certain minimum age,
- b. employment of persons who are physically or mentally disabled for certain types of jobs, when their disability, disease or age can lead to increased danger of accidents or disease.
- c. limitations on or prohibition against letting people work alone on certain projects or jobs,
- d. work- and rest periods of drivers who work regularly on transportation of people, as well as the operators of machines and equipment which can cause danger, cf. Article 58 of this Act.
- e. other comparable instances.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 553/2004, cf. No. 286/2006. Regulation No. 920/2006.

<sup>3)</sup> Act No. 68/2003, Article 11.

## **CHAPTER VI The Workplace.**

### **Article 41**

A workplace signifies, in this Act, the environment, indoors or outdoors, where an employee spends most of his/her time in connection with his/her employment.

### **Article 42**

A workplace shall be so equipped that full provisions are made for safety and good environment and health.

Certified standards, acts and regulations shall be complied with, as well as instructions issued by the Administration of Occupational Safety and Health concerning working environment, health and safety.

### **Article 43**

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue regulations<sup>2)</sup><sup>3)</sup> concerning the arrangements within permanent as well as temporary workplaces, indoors and outdoors, covering such issues as:

- a. housing, such as the workspace, height and space of the ceiling, the floor, walls, ceiling, lighting, temperature, air conditioning and air changes, protection against noise, vibration, radiation, etc.,
- b. working environment of the employees and other specifications, such as sitting and dining areas, coffee rooms, dressing rooms, storage closets and clothes' racks, toilets and urinals, laundry rooms and bathrooms, as well as the quality requirements and standards of such rooms,
- c. emergency exits from the workplace, as well as traffic routes within the workspaces, such as paths, staircases and exit points,
- d. other things not counted here but which are supportive of improved working environment, health and safety.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 581/1995. Regulation No. 349/2004. Regulation No. 553/2004. Regulation No. 384/2005. Regulation No. 980/2014. <sup>3)</sup> Act No. 68/2003, Article 11.

### **Article 44**

Where cases of special conditions concerning the safety and health of the employees so demand, [[the Minister]<sup>1)</sup> shall, after receiving the comments of the Board of the Administration of Occupational Safety and Health, issue special regulations<sup>2)</sup><sup>3)</sup> to the effect that plans and designs for new constructions or changes in a particular operation, mounting of parts of buildings, installation of machinery, instruments or other equipment shall be submitted to the Administration of Occupational Safety and Health for comment or approval, prior to the changes or installation.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 581/1995. Regulation No. 384/2005. <sup>3)</sup> Act No. 68/2003, Article 12.

## **CHAPTER VII Machinery, Technical Equipment, etc.**

### **Article 45**

Engine signifies, in this Act, machinery or parts of machinery which changes one form of energy into another.

Moving machinery signifies, in this Act, a piece of equipment which can be moved from one place to another through its own engine.

Heavy machinery signifies, in this Act, a piece of equipment which is powered by an engine and can be employed for certain predetermined jobs.

Heavy moving machinery signifies, in this Act, a piece of equipment which is at the same time moving machinery and heavy machinery.

Agricultural machinery signifies, in this Act, any kind of previously named machinery which is used for farming purposes.

#### Article 46

Machinery, parts of machinery, vessels, containers, boilers, instruments, constructions or parts of constructions, combinations and other equipment shall be so designed that full provisions are made for safety and good environment and health.

Certified standards, acts and regulations shall be complied with, as well as instructions issued by the Administration of Occupational Safety and Health concerning working environment, health and safety.

#### Article 47

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue further regulations<sup>2)</sup><sup>3)</sup> concerning the construction and use of machinery, instruments and other equipment which is used in employment such as:

- a. construction, implementation, installation, reporting and testing,
- b. how and if plans or other documentations shall be submitted to the Administration of Occupational Safety and Health concerning construction, production or installation of such equipment,
- c. use, maintenance and supervision of such equipment.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 475/1985 (on staple guns). Regulation No. 476/1985 (on nail guns). Regulation No. 153/1986 (on tractors and protective equipment during transmission interface from tractors), cf. No. 424/1987, No. 561/1987 and No. 580/1995. Regulation No. 90/1989 (on lawnmowers and uniaxial gardening machinery). Regulation No. 453/1991 (on mechanical equipment in amusement parks). Regulation No. 501/1994 (on the type of personal protection equipment), cf. No. 690/1998 and No. 584/1999. Regulation No. 99/1996 (on simple pressure vessels). Regulation No. 108/1996 (on appliances burning gaseous fuels). Regulation No. 377/1996 (on pressure vessels). Regulation No. 140/1998 (on filling stations for gas cylinders). Regulation No. 609/1999 (on the safety equipment of cranes and lifting equipment), cf. No. 236/2001. Regulation No. 571/2000 (on pressure equipment). Regulation No. 761/2001 (on machinery and technical equipment). Regulation No. 279/2003 (on noise emission in the environment by equipment for use outdoors), cf. No. 1136/2008. Regulation No. 341/2003 (on passenger lifts and passenger- and service lifts), cf. No. 1003/2009. Regulation No. 349/2004 (on explosive atmosphere in workplaces). Regulation No. 553/2004 (on protection of workers from risks related to chemical agents in workplaces), cf. No. 286/2006. Regulation No. 367/2006 (on the use of equipment). Regulation No. 465/2009 (on the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery). Regulation No. 1005/2009 (on machinery and technical equipment). Regulation No. 260/2012 (on aerosol dispensers). Regulation No. 218/2013 (on transportable pressure equipment). <sup>3)</sup> Act No. 68/2003, Article 2.

#### Article 48

[It shall be prohibited to market or begin using any type of machinery, equipment or other devices that does not meet the regulations regarding safety and formal requirements, such as markings, instructions, certification, declarations concerning conformity or test reports issued according to this Act, special regulations issued under it or recognized standards that apply in the common market of the states of the European Economic Area.

After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue regulations<sup>2)</sup> on the requirements that types of machinery, equipment or other devices must meet in order to be considered safe and the methods that the manufacturer may use to demonstrate that a product type conforms with the regulations issued.]<sup>3)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 1005/2009 (on machinery and technical equipment). <sup>3)</sup> Act No. 68/2003, Article 13.

#### [Article 48 a

The Administration of Occupational Safety and Health may prohibit the marketing and use of those types of machinery, equipment or other devices that do not meet the requirements of this Act, other special rules issued under it or recognized standards that apply in the common market of the states of the European Economic Area. Before a decision on such a prohibition is taken, the employer, the manufacturer of the type or his representative, as appropriate, shall be granted a suitable deadline by which to make good its deficiencies.

If the Administration of Occupational Safety and Health considers a type of machinery, equipment or other device to be particularly dangerous, it may demand the recall of all exemplars of the type. The manufacturer or his representative shall bear the full cost of such recall.

If the Administration of Occupational Safety and Health has reason to suspect that a type of machinery, equipment or other device poses a danger to the safety and health of people, or to property, it may prohibit its marketing and use for up to four weeks or impose special conditions for its marketing and use, even though the type meets the formal conditions of this Act and the relevant special regulations. Staff of the Administration of Occupational Safety and Health shall begin an investigation into the safety of the type without unreasonable delay. If particular circumstances pertaining to the investigation render it necessary, the prohibition may be extended by up to four weeks. The manufacturer or his representative shall bear costs related to the samples of the types that are investigated. On completion of the investigation, the samples shall be returned or securely destroyed, as appropriate.

When the Administration of Occupational Safety and Health has prohibited a type according to paragraphs 1–3, it may oblige the manufacturer and distributors to destroy all exemplars of the type in a secure manner or oblige them, as appropriate, to make modifications to the type so that it meets the regulations that have been set and deliver new machinery, equipment or other devices of the same type or refund the price paid for them.

If an employer, manufacturer or distributor demonstrably hampers the investigation and examination of the relevant type by the Administration of Occupational Safety and Health, or does not have available satisfactory documents concerning its safety, the institution may prohibit its marketing and use.

When a type does not conform to issued regulations, the manufacturer or his representative shall bear the costs resulting from examination, investigation and testing.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 14.

#### Article 49

Any type of machinery, instruments and equipment which is listed in Article 46, except motorcars and engines which are covered by different legislation, shall be registered and inspected according to more detailed instructions outlined in regulations<sup>1)</sup> [issued by [the Minister].<sup>2)</sup> after receiving the comments of the Board of the Administration of Occupational Safety and Health and in consultation with its director].<sup>3)</sup>

[After receiving proposals from the Director of the Administration of Occupational Safety and Health and the comments of its board, [the Minister]<sup>2)</sup> shall issue a scale of charges for the registration and inspection of mobile machinery, mobile working machinery, farm machinery, lifts and lift equipment, escalators, tanks, pressure cylinders and boilers, including additional inspections that may be necessary if deficiencies are revealed in the course of regular inspections and additional inspections required in connection with installation, modifications or repairs to the machinery, equipment or other devices listed above that have passed regular inspection.]<sup>3)</sup>

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>2)</sup> shall issue regulations<sup>4)</sup>] concerning teaching, training and examinations

to verify if the person who is to manage and operate such machinery has sufficient skills and knowledge to do so, provided that such permits are not specified in other legislation.

<sup>1)</sup> Regulation No. 153/1986, cf. No. 424/1987, No. 561/1987 and No. 580/1995. <sup>2)</sup> Act No. 162/2010, Article 3. <sup>3)</sup> Act No. 68/2003, Article 15. <sup>4)</sup> Regulation No. 198/1983 (on rights to operate heavy machinery), cf. No. 300/1995, No. 24/1999, No. 816/2000 and No. 883/2002.

## CHAPTER VIII

### Dangerous Substances and Goods.

#### Article 50

[In workplaces where hazardous chemical substances or chemical products, chemical wastes or hazardous wastes, including explosive chemical substances, inflammable chemical substances and explosives, are used or could be used, the employer shall ensure that the manufacturing, working and processing methods employed are such that the workers are protected against accidents, pollution and diseases.

When a risk assessment in accordance with Article 65 a indicates the existence of a threat to the health and safety of workers due to a hazardous chemical substance, chemical product, chemical waste or hazardous waste, the employer shall ensure that safety data sheets and written instructions, as appropriate, are accessible in the workplace and shall draw the attention of the workers to their contents. The instructions shall state the procedures to be followed in the event of accidents involving hazardous chemical substances or chemical products.

The employer shall take the necessary preventive measures to prevent pollution in the workplace, or, if this is not possible, then reduce it as far as possible. He shall at all times seek, taking into account the nature of the activity, to use chemical substances or chemical products that are considered risk-free or low-risk to the health of workers in terms of the circumstances in which they are used.

Pollution in the workplace shall not exceed the valid occupational exposure limit value for the relevant chemical substance. When pollution is caused by more than one chemical substance or chemical product, the synergic effect shall be taken into account.

Chemicals or chemical products that pose, or could pose, a threat to the health and safety of workers shall be kept in secure containers in workplaces. Dangerous chemical wastes and hazardous wastes shall be stored safely in the workplace.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 16.

#### Article 51

[The Administration of Occupational Safety and Health shall issue licences for dangerous chemical substances to individuals and enterprises that, in the course of their work, make regular use of dangerous chemical substances or chemical products that are classified as dangerous chemical substances on fulfilment of the conditions stated in Article 50 and regulation issued according to paragraph 3. Licences for dangerous chemical substances shall state the chemical substances covered by the licence. This provision shall not apply to licences for dangerous chemical substances for protective chemical substances, rodent poisons and insecticides. Each year, the Administration of Occupational Safety and Health shall provide the Environment and Food Agency with information on licensees and the dangerous chemical substances covered by the licences.

The Administration of Occupational Safety and Health shall monitor to ensure that the marking, use, storage and transportation of chemical substances and chemical products in workplaces meet the requirements of valid legislation, regulations and recognized standards. The institution may prohibit the manufacture, transportation and use of hazardous chemical substances and chemical products in workplaces when it is considered demonstrated that they put people's health at risk. The same shall apply to chemical substances when, in the institution's opinion, insufficient information is available on their contents, composition, handling, use or storage.



After receiving the comments of the Board of the Administration of Occupational Safety and Health and [the Ministry in charge of the affairs of substance and substance merchandise],<sup>1)</sup> [the Minister]<sup>2)</sup> shall issue further regulations<sup>3)</sup> on the conditions to be met for a licence for dangerous chemical substances, occupational exposure limit value and the handling, packaging, filling, marking, storage, transport of chemical substances and chemical products in workplaces and the use of them that may put the workers' health at risk or result in a deterioration of the environment in workplaces.]<sup>4)</sup>

<sup>1)</sup> Act No. 126/2011, Article 83. <sup>2)</sup> Act No. 162/2010, Article 3. <sup>3)</sup> Regulation No. 578/1995 (on treatment of liquid nitrogen). Regulation No. 764/2001 (on protection of workers from risks related to exposure to biological agents at work). Regulation No. 98/2002 (on the protection of workers from risks related to exposure to carcinogens and mutagens at work). Regulation No. 553/2004 (on protection of workers from risks related to chemical agents in workplaces), cf. No. 286/2006. Regulation No. 430/2007 (on prohibition on the use of asbestos in workplaces). Regulation No. 390/2009 (on pollution limits and measures to reduce pollution in workplaces), cf. No. 1296/2012. <sup>4)</sup> Act No. 68/2003, Article 17.

#### [Article 51 a

In workplaces where hazardous chemical substances or chemical products are used, or could be used, in such quantities that, in the event of an accident, a substantial hazard may arise for people and the environment, the employer shall take safety measures to prevent such accidents. Furthermore, the employer shall take measures to make it possible to respond to such accidents in such a way as to reduce their consequences without delay.

The Administration of Occupational Safety and Health shall monitor to ensure that the appropriate conditions are met and that the necessary safety measures in connection with the risk of accidents, cf. paragraph 1, have been taken.

After receiving nominations from the Fire Prevention Agency, Iceland Civil Defence, the Environment and Food Agency and the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall appoint a special four-man consultative committee on preventive measures against major industrial accidents.

The role of the committee shall be to ensure consultation and collaboration between the relevant bodies in order to ensure the safety of workers, the public and the environment in the event of a major industrial accident.

After receiving the comments of the Board of the Administration of Occupational Safety and Health and the consultative committee on preventive measures against major industrial accidents, [the Minister]<sup>1)</sup> shall issue regulation<sup>2)</sup> on preventive measures against, and responses to, such accidents in workplaces.]<sup>3)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 160/2007, cf. No. 33/2009. <sup>3)</sup> Act No. 68/2003, Article 18.

### CHAPTER IX

#### [Rest time, Holidays and Maximum Working Hours.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 19.

#### [Article 52

For the purposes of this chapter, the following terms are defined as stated below:

1. *Working time*: The time during which a worker is engaged in work, at the disposal of the employer and doing his job or discharging his obligations.
2. *Rest time*: Time that is not counted as working time.
3. *Night working time*: A period not shorter than seven hours, which shall extend across the period from midnight to five o'clock in the morning. Further definition of the period shall be a matter of agreement between the organisations of the social partners.
4. *A night worker is*:
  - a. a worker who normally does at least three hours of his daily work during night working time and/or
  - b. a worker who is expected to do a certain part of his annual work contribution during night working time according to an agreement between the organisations of the

social partners.

5. *Shift work*: Work that is divided according to a predetermined arrangement by which a worker works on various shifts over a specific period that is measured in days or weeks.

6. *Shift worker*: A worker who does shift work.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 19.

#### [Article 52 a

The provisions of this Chapter shall not apply to:

1. those who work at road transport and are covered by [acts and regulations concerning]<sup>1)</sup> drivers' driving hours and rest time, etc., in domestic transportation and transportation within the European Economic Area,
2. ....<sup>1)</sup>
3. senior managers or other persons who decide their own working hours,
4. special circumstances relating to the functions of the state, such as necessary security activities and urgent investigative interests in the field of law enforcement, work connected with civil defence and monitoring activities in connection with avalanche prevention measures.]<sup>2)</sup>

<sup>1)</sup> Act No. 138/2005, Article 1. <sup>2)</sup> Act No. 68/2003, Article 19.

#### [Article 53

Working time shall be arranged so that during every 24 hours, counting from the beginning of the working day, workers shall receive at least 11 hours' continuous rest.

By agreement between the organisations of the social partners, it shall be permitted to shorten the period of continuous rest to as little as eight hours if the nature of the work or particular working methods necessitate such a deviation.

Deviations from the provision of paragraph 1 may be made if a disruption of normal activities occurs due to external causes, such as the weather or other natural forces, accidents, power failure, malfunction in machinery, equipment or other device or other comparable unforeseeable events, to the extent necessary to prevent substantial loss or damage until regular activities have been resumed.

If daily rest time is shortened according to paragraph 2 or 3, the worker shall receive corresponding rest time later.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 19.

#### [Article 53 a

The worker is entitled to a break if his daily working time is longer than six hours. The application of this provision, such as concerning the length of the break, shall be decided by agreement between the organisations of the social partners.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 19.

#### [Article 54

In each seven-day period, the worker shall receive at least one weekly holiday in direct conjunction with his daily rest time according to Article 53.

In the event of special necessity due to the nature of the job involved, the weekly holiday may be postponed by agreement between the organisations of the social partners so that the worker receives the corresponding rest time later, and in all cases within 14 days. Where special circumstances render such a deviation necessary, it may, however, be decided by agreement in the workplace to postpone the weekly rest time so that instead of a weekly holiday, two consecutive rest days shall occur during every two weeks.

Furthermore, the weekly holiday may be postponed when external causes, such as the weather or other natural forces, accidents, power failure, malfunction in machinery, equipment or other device or other comparable unforeseeable events disrupt, or have disrupted, operations and it is

necessary to maintain services or production, providing that the worker receives the corresponding rest time later and as soon as this can be arranged.)<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 19.

#### [Article 55

Workers' maximum working hours per week, including overtime, may not exceed 48 hours, on average during each four-month period.

By agreement between the organisations of the social partners, it shall be permitted to calculate workers' maximum working hours on the basis of a reference period that may be up to six months.

If objective or technical reasons obtain, or in view of the special nature of the jobs in question, the organisations of the social partners may determine by agreement that workers' maximum working time shall be calculated on the basis of a reference period of up to 12 months, providing that the general principles of this Act regarding the protection of workers' safety and health are observed.

Only working time, *cf.* item 1 of Article 52, shall be counted in the calculation of averages according to paragraphs 1–3. Annual paid minimum leave according to law and absences due to illness shall not be included in the calculation of averages.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 19.

#### [Article 56

Night workers' working time shall normally not be longer than eight hours during each 24-hour period.

By agreement between the organisations of the social partners it shall be permitted to lengthen night workers' working time so that it becomes, on a regular basis, up to 48 hours per week. In such cases, work shall be arranged in such a way that working time is as regular as possible.

Reference periods and frames of reference for calculating the average working time of night workers shall be according to Article 55.

Night workers who are involved in particularly dangerous jobs, or jobs that involve great physical or mental strain, shall not work for longer than eight hours during each 24-hour period.

After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue regulations stating what jobs are considered particularly dangerous jobs or jobs that involve great physical or mental strain, *cf.* paragraph 4.]<sup>2)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Act No. 68/2003, Article 19.

#### [Article 57

Night workers who have health problems that can demonstrably be traced to their working time shall, when possible, be transferred to daytime jobs that suit them.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 19.

#### [Article 58

Employers shall be obliged to provide the Administration of Occupational Safety and Health with the information necessary for monitoring the application of this Act regarding working time, including information on the number of night workers and their working time.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 19.

### CHAPTER X

#### Work by Children and Teenagers.

##### Article 59

[The provisions of this Chapter apply to work by individuals under the age of 18 years. The provisions of the Chapter do not apply to occasional work or short-term work involving home

help in private homes or work in family enterprises that is not considered damaging or dangerous to young people.

For the purposes of this Act, young person means an individual under the age of 18 years. For the purposes of this Act, child means an individual who is under the age of 15 years, or who is in compulsory education. For the purposes of this Act, teenager means an individual who is aged at least 15 years, but has not yet attained the age of 18 years, and is no longer in compulsory education.]<sup>1)</sup>

<sup>1)</sup> Act No. 52/1997, Article 2.

#### Article 60

[Children may not be engaged in employment.

Exemptions from the general rule of paragraph 1 may be made in the following cases:

- a. Children may be engaged to participate in cultural or artistic events and sporting or advertising activities. A party who engages children who have not attained the age of 13 years shall obtain a licence from the Administration of Occupational Safety and Health before the engagement takes place.
- b. Children aged 14 years and older may be engaged in work that constitutes part of theoretical or practical studies.
- c. Children who have attained the age of 14 years may be engaged in light employment. Children who have attained the age of 13 years may be engaged for a limited number of hours per week in light employment such as light gardening or service jobs and other comparable jobs.]

<sup>1)</sup> Act No. 52/1997, Article 3.

#### Article 61

[Teenagers may be engaged in employment subject to the restrictions set forth in this Chapter.]<sup>1)</sup>

<sup>1)</sup> Act No. 52/1997, Article 4.

#### Article 62

[Young persons may not be engaged in work that is carried out under the following conditions:

- a. Work that is likely to be beyond their physical or mental capacity.
- b. Work that is likely to cause permanent damage to health.
- c. Work that involves the risk of hazardous radiation.
- d. Work involving a risk of accidents which it can be assumed that children and teenagers could have difficulty in identifying or avoiding due to their lack of awareness or lack of experience or training.
- e. Work that involves hazards to their health due to excessive cold, heat, noise or vibration.
- [f. Work where there is a risk of violence or other specific risk, except where the young people work with adults.]<sup>1)</sup>

Exceptions may be made from this provision when this is necessary in connection with the vocational training of teenagers.]<sup>2)</sup>

<sup>1)</sup> Act No. 68/2003, Article 20. <sup>2)</sup> Act No. 52/1997, Article 5.

#### Article 63

[The active working time of children covered by items *b* and *c* of paragraph 2 of Article 60 shall be restricted as follows:

- a. Eight hours a day and 40 hours a week if the work constitutes part of theoretical or practical studies.

- b. Two hours during a school day and 12 hours a week in the case of work which is done during the hours of operation of the school, but outside organized school teaching hours. At no time, however, may working time each day exceed seven hours. The daily working time of a child who has attained the age of 15 years may, however, be eight hours.
- c. Seven hours a day and 35 hours a week in the case of work done at a time when the school is not in operation. The daily working time of a child who has attained the age of 15 years may, however, be eight hours each day, and 40 hours a week.
- d. Seven hours a day and 35 hours a week in the case of light work done by children who are no longer in compulsory education.

Teenagers' active working time shall be limited to eight hours a day and 40 hours a week.

Exceptions from the provisions of paragraph 2 of this Article shall be permitted in special cases, or if legitimate circumstances so demand.

If the active working time each day is longer than four hours, the child or teenager shall have the right to at least 30 minutes' break each day, which shall run continuously if possible.]<sup>1)</sup>

<sup>1)</sup> Act No. 52/1997, Article 6.

#### [Article 63 a

Children to whom items *b* and *c* of paragraph 2 of Article 60 apply may not be made to work during the period between 20.00 hours and 06.00 hours. Teenagers may not be made to work during the period between 22.00 hours and 06.00 hours.

Exceptions may be made from the provision of sentence 2 of paragraph 1 of this Article in special lines of work, providing that an adult person supervises the teenagers if such supervision is necessary for their protection. However, teenagers may not be made to work during the period from 24.00 hours to 04.00 hours.

Exceptions may be made from the provisions of sentence 2 of paragraph 1, and of paragraph 2, of this Article when there are legitimate reasons for doing so, and providing that the teenagers receive suitable additional rest time. This exemption shall apply in the case of work in health institutions or comparable institutions, and jobs in the spheres of cultural events, the arts, sports or advertising.

Prior to beginning night work, and at regular intervals thereafter, teenagers shall have the right to a health check and a check on their working capacity, at no cost to themselves, except when they only work in exceptional cases during the times at which work is prohibited. The employers involved shall be responsible for having such checks carried out.]

<sup>1)</sup> Act No. 52/1997, Article 7.

#### [Article 63 b

Children to whom items *b* and *c* of paragraph 2 of Article 60 apply shall receive at least 14 hours' continuous rest in every 24-hour period. Teenagers shall receive at least 12 hours' continuous rest in every 24-hour period.

In each seven-day period, children to who items *b* and *c* of paragraph 2 of Article 60 of this Act apply, and teenagers, shall receive at a rest period of at least two days, which shall be continuous if possible. This minimum rest period shall normally include a Sunday.

Exceptions may be made from the provisions of paragraphs 1 and 2 of this Article in the case of work which is spread over the day in short separate periods.

Exceptions may be made from the provisions of sentence 2 of paragraph 1, and of paragraph 2 of this Article when legitimate circumstances obtain, and on condition that the teenagers receive suitable additional rest time. This exemption shall apply in the case of work in health institutions or comparable institutions, jobs in agriculture, tourism or hotel and catering operations, and work that is spread over the day.]<sup>1)</sup>

<sup>1)</sup> Act No. 52/1997, Article 8.

[Article 63 c

In the event of *force majeure* over which the employer has no control, exemptions may be made from the provisions of this Act regarding working hours, night work and teenagers' rest time providing that what is involved is temporary work which cannot be deferred, that no adults can be found to do the work and that the teenagers receive corresponding extra rest time during the next three weeks.]<sup>1)</sup>

<sup>1)</sup> Act No. 52/1997, Article 9.

[Article 63 d

Children in compulsory education to whom items *b* and *c* of paragraph 2 of Article 60 apply shall have the right to leave from work each year at some time during the school holidays.]<sup>1)</sup>

<sup>1)</sup> Act No. 52/1997, Article 10.

[Article 63 e

The employer shall take the necessary measures to ensure the safety and health of young persons by evaluating the risk which work may pose to them. This evaluation shall be made before the young persons begin work, and each time substantial changes are made to the working conditions. If the evaluation reveals that a threat may be posed to the young persons' safety, physical or mental health or development, the employer shall ensure that appropriate inspections and checks of the young persons' health are carried out regularly at no cost to them.]

<sup>1)</sup> Act No. 52/1997, Article 11.

[Article 63 f

[After receiving the comments]<sup>1)</sup> of the board of the Administration of Occupational Safety and Health, the Minister shall issue further regulations<sup>2)</sup> on the granting of licences according to item *a* of paragraph 2 of Article 60, authorization to engage children aged 14 years and older for work constituting part of theoretical or practical studies according to item *b* of paragraph 2 of Article 60, what jobs are to be considered as light work, and the circumstances under which they are to be done according to item *c* of paragraph 2 of Article 60 and the conditions and restrictions in the case of exceptions according to paragraph 3 of Article 63, exceptions according to paragraphs 2 and 3 of Article 63 a and paragraphs 2–4 of Article 63 b, and the application of Article 62, Article 63 c and 63 e.]<sup>3)</sup>

<sup>1)</sup> Act No. 68/2003, Article 21. <sup>2)</sup> Regulation No. 426/1999. <sup>3)</sup> Act No. 52/1997, Article 12.

## CHAPTER XI

### [Risk Assessment, Health Protection and Medical Checkups.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 30.

#### Article 64

Prevention of occupational diseases shall be practiced in accordance with provisions made in this Act and the Health Care Act in cooperation with the health authorities.

#### Article 65

[The employer shall be responsible for drawing up a written programme of safety and health in the workplace. The programme shall include a risk assessment, *cf.* Article 65 a, and a health protection schedule, *cf.* Article 66. Workers' representatives shall be consulted, *cf.* Chapter II.

The Administration of Occupational Safety and Health shall monitor to ensure that written programmes of safety and health in the workplace are drawn up. The employer shall make the programme available to its managers, employees and the Administration of Occupational Safety and Health.

Programmes of safety and health in the workplace shall be reviewed when changes in the working environment alter the premises on which they are based.

After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue further regulations<sup>2)</sup> on the implementation of this provision, including how monitoring is to be structured.]<sup>3)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 1000/2004, Regulation No. 920/2006. Regulation No. 165/2011, Regulation No. 980/2014. <sup>3)</sup> Act No. 68/2003, Article 22.

#### [Article 65 a

The employer shall be responsible for having a special risk assessment made, in which the risks involved in the work shall be evaluated with regard to the safety and health of the workers and the risks in the working environment. In making the risk assessment, particular attention shall be given to jobs in which it is foreseeable that the health and safety of the workers involved are subject to greater risk than is the case with other workers.

When a risk assessment at a workplace indicates that the health and safety of workers are at risk, the employer shall take the necessary preventive measures in order to prevent the risk, or, where this is not possible, to reduce it as far as possible.

After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue further regulations<sup>2)</sup> on risk assessment, including risk assessments covering special risks and the preparation and formal presentation of documents connected with them.]<sup>3)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 349/2004, Regulation No. 553/2004, cf. No. 286/2006. Regulation No. 1000/2004. Regulation No. 384/2005. Regulation No. 920/2006. Regulation No. 921/2006. Regulation No. 922/2006. Regulation No. 165/2011. Regulation No. 980/2014. <sup>3)</sup> Act No. 68/2003, Article 23.

#### Article 66

[The employer shall be responsible for having a health protection schedule made, based on the risk assessment, cf. Article 65 a, including a schedule of preventive measures, which shall include measures to be taken to reduce work-related illnesses and accidents.

The aim of health protection measures shall be:

- a. to increase the likelihood that workers will be protected against all forms of health risks and health damage that may result from their work or working conditions,
- b. to increase the likelihood that work will be organized in such a way that workers will be assigned tasks to which they are suited, and to promote their mental and physical adaptation to the working environment,
- c. to reduce absenteeism from work due to illness and accidents by raising safety levels and maintaining workers' health in the workplace,
- d. to promote workers' mental and physical well-being.

The schedule of preventive measures shall contain a description of how the dangers and the associated risks as identified by the risk assessment are to be countered, e.g. by the structuring of work, education, training, choice of equipment, chemical substances or mixtures of chemical substances, the use of safety and protective equipment, fixtures and furnishings in the workplace or other preventive measures. Priority shall be given to measures of a general nature before measures are taken to protect individual workers.

After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue further regulations<sup>2)</sup> on health protection, including health protection measures that take account of special risk factors, preventive measures that are based on the nature of jobs and the size of workplaces, and the preparation and formal presentation of documents connected the health protection schedule.]<sup>3)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 931/2000 (on measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding), Regulation No. 349/2004 (on explosive atmosphere in workplaces), Regulation No. 553/2004 (on protection of workers from risks related to chemical agents in workplaces), cf. No. 286/2006.

*Regulation No. 1000/2004 (on measures against harassment at a workplace). Regulation No. 384/2005 (on work in refrigerated spaces in food production). Regulation No. 920/2006 (on the structure and implementation of occupational health and safety in workplaces). Regulation No. 921/2006 (on measures to protect workers against noise-induced stress in workplaces). Regulation No. 922/2006 (on measures to protect workers against stress induced by mechanical vibrations in workplaces). Regulation No. 165/2011 (on protection against stress due to artificial optical radiation at workplaces). Regulation No. 980/2014 (on workers' protection from medical sharps' injuries when providing health service, including at hospitals).<sup>3)</sup> Act No. 68/2003, Article 24.*

#### [Article 66 a

When the drawing up of a programme of safety and health in the workplace, including a risk assessment and a health protection schedule, calls for skills that the employer or his workers do not possess, the employer shall seek the assistance of suitably qualified service providers that have received the approval of the Administration of Occupational Safety and Health in this capacity. The employer shall inform the service providers of factors that are known, or suspected, to have an effect on workers' safety and health. Even if the employer uses the services of such parties, he shall nevertheless be responsible for the preparation of the programme and compliance with it.

The service provider shall receive the approval of the Administration of Occupational Safety and Health before beginning activities. The Administration of Occupational Safety and Health shall grant approval to service providers that meet the conditions of this provision and of regulations issued according to paragraph 6. If a service provider subsequently fails to meet the conditions set, the Administration of Occupational Safety and Health may withdraw its approval, entirely or in part so that it is restricted to a certain type of activity.

A service provider who provides a comprehensive service in the field of occupational safety and health shall have access to specialists approved by the Administration of Occupational Safety and Health as possessing satisfactory knowledge in the field of health, social science, a technical field or other comparable field so as to be capable of assessing and responding to dangers or any other type of discomfort caused by physical, chemical, biological, ecological or psychological factors. Otherwise, the Administration of Occupational Safety and Health may restrict its approval according to paragraph 2 to a certain type of activity.

A service provider may enter into agreements with other parties covering individual elements in his service according to paragraph 3. Such parties shall meet the conditions set for approval by the Administration of Occupational Safety and Health. These agreements shall be submitted when approval by the Administration of Occupational Safety and Health according to paragraph 2 is sought.

A service provider shall maintain confidentiality in his work. He shall treat as confidential all information that comes to his notice in the course of his work and concerns the personal affairs and private lives of the workers. The same shall apply to information relating to the enterprises for which he works.

After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue regulation<sup>2)</sup> on further conditions to be met by service providers before they begin their activities and on the competence requirements to be met by those of the employer's workers who are involved in maintaining safety and health in the workplace.]<sup>3)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 920/2006. <sup>3)</sup> Act No. 68/2003, Article 25.

#### Article 67

[Workers shall have the opportunity of having a medical check-up at the employer's expense before they are engaged for work, while they are employed and after they cease employment, providing that their working conditions are such as may result in damage to their health and there is reason to believe that this may prevent or limit occupational diseases and work-related illnesses.



Regulations<sup>1)</sup> issued by [the Minister]<sup>2)</sup> after receiving the comments of the Board of the Administration of Occupational Safety and Health and the Directorate of Health, shall include provisions on what the medical check-up is to consist of, the frequency of monitoring and what measurements and other studies shall be carried out, taking into account the working environment. Such regulations may be issued for individual occupations.]<sup>3)</sup>

<sup>1)</sup> Regulation No. 920/2006. Regulation No. 921/2006. Regulation No. 922/2006. Regulation No. 165/2011. Regulation No. 980/2014. <sup>2)</sup> Act No. 162/2010, Article 3. <sup>3)</sup> Act No. 68/2003, Article 26.

#### Article 68

[The Administration of Occupational Safety and Health shall have in its service a physician with specialist knowledge relating to the job.]<sup>1)</sup>

His role is:

- a. to serve as a link between the Administration of Occupational Safety and Health and the health authorities,
- b. to serve as the Director of the Division of Occupational Medicine, *cf.* Article 73 of this Act,
- c. to take the responsibility for registration of occupational diseases, work-related accidents and poisoning, *cf.* item *f* of Article 78; as well as Article 81 of this Act,
- d. to work on other issues which concern the health and health protection of employees according to further decisions by [the Director]<sup>1)</sup> of the Administration of Occupational Safety and Health.

<sup>1)</sup> Act No. 68/2003, Article 27.

#### Article 69

The employer shall guarantee that health protection supervision, medical examinations, tests and examinations do not cause a financial loss to the employees.

Employees and former employees are obliged to undergo check-ups, examinations, tests and physical examinations according to the rules in effect at each point in time.

#### Article 70

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> may issue special regulations]<sup>2)</sup> concerning medical examination of children and young people younger than 18 years of age, when they initiate employment. In these cases the Article 67 of this Act is appropriate. A special examination can be waived, if a new medical certificate from the school doctor is available stating that he/she has examined the individual and that it is not known that the person has or has had any such disease that can affect his/her safety and health in that particular work.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Act No. 68/2003, Article 28.

#### Article 71

If individual employees or groups of employees work under conditions which can be considered hazardous to their health or safety, the Administration of Occupational Safety and Health shall make sure that, along with medical examinations, the employees are provided with increased information concerning the hazards of accidents and/or diseases that may be associated with their working environment, *cf.* Article 14 and item *e* of Article 78 of this Act.

#### Article 72

If, on the behalf of those who are responsible for the quality control in workplaces in connection with food-production, other requirements are in effect than those issued by the Administration of Occupational Safety and Health concerning the medical examination and other tests of the employees' health, [the Administration of Occupational Safety and Health shall]<sup>1)</sup> take

into account such special cases in decisions on the extent to which medical examination and other tests are required.

<sup>1)</sup> Act No. 68/2003, Article 29.

## CHAPTER XII

### The Administration of Occupational Safety and Health.

#### Article 73

[[The Minister]<sup>1)</sup> shall be responsible for supervision of matters according to this Act.]<sup>2)</sup>

<sup>1)</sup> Act No. 126/2011, Article 83. <sup>2)</sup> Act No. 68/2003, Article 31.

#### Article 74

[The Administration of Occupational Safety and Health is under the authority of [the Minister]<sup>1)</sup> and is in charge of administration and monitoring in the field covered by this Act.

[The Minister]<sup>1)</sup> shall appoint the Director of the Administration of Occupational Safety and Health for terms of five years at a time. The Director shall engage the institution's employees and be legally and administratively responsible for it.

[The cost of the operation of the institution shall be met by the State Treasury and by other income of the institution.]<sup>2)</sup>

The Administration of Occupational Safety and Health collects fees for pressure tests, measurements of gas and oxygen in enclosed spaces, measurements of noise, vibrations, atmospheric pollution, lighting and indoor air quality in workplaces, inspection of playground equipment and scaffolding, force tests, courses and examinations, the issue of certificates and licences and the publications of publicity and educational materials according to a scale of charges which [the Minister]<sup>1)</sup> shall issue after receiving the proposals of the Director of the Administration of Occupational Safety and Health and the comments of the Board of the Administration of Occupational Safety and Health.]<sup>3)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Act No. 90/2004, Article 13. <sup>3)</sup> Act No. 68/2003, Article 32.

#### Article 75

[Tasks that the Administration of Occupational Safety and Health is expected to carry out include:

- a. to monitor the application of this Act,
- b. to give institutions, enterprises, companies and workers advice,
- c. to give those workers who are involved in occupational safety and health within enterprises, *cf.* Articles 4–6, guidance in their work,
- d. to acquire and maintain knowledge of technical and social developments in order to promote greater safety and health in the working environment,
- e. to address safety issues in programmes on processing and manufacturing methods, workplaces and technical equipment,
- f. to provide education and information on risks in workplaces, and also on new technology and skills that may contribute towards improved working conditions, health and safety in workplaces,
- g. to promote preventive measures and health protection in workplaces,
- h. to work on research in the field of occupational health and safety,
- i. to ensure that a register is maintained of diseases of all types, mental as well as physical, that may reasonably be assumed to arise from causes in the working environment, and of their frequency and extent,
- j. to ensure that a register is maintained of the frequency of industrial accidents, broken down by occupations,
- k. to carry out monitoring and market surveillance regarding machinery, equipments and devices covered by this Act, and
- l. to carry out other tasks in accordance with the aims and scope of this Act, according to

further decisions by the Minister.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 33.

#### Article 76

[[The Minister]<sup>1)</sup> shall appoint the Board of the Administration of Occupational Safety and Health for terms of four years at a time. The Minister shall appoint the chairman without nomination, two Board members nominated by the Icelandic Confederation of Labour, one nominated by the Association of Academics, one nominated by the Confederation of State and Municipal Employees, one nominated by [the Minister in charge of the employment affairs of the state]<sup>2)</sup>, one nominated by the Association of Local Authorities in Iceland and two nominated by the Confederation of Icelandic Employers. Alternates shall be appointed in the same manner.

The Board shall be responsible to the Minister for the formation of professional policy at the Administration of Occupational Safety and Health, and shall act in an advisory capacity to [the Minister]<sup>1)</sup> and the Director of the Administration of Occupational Safety and Health on matters relating to improved working conditions and safety and health in workplaces. The Board shall make proposals to the Minister concerning improvements in the field of occupational health and safety, including whether there is a need for legislative amendments or the issue of regulations or other rules. The Minister and the Director shall seek for comments from the Board when preparing issue of legislation, regulations and other rules on matters covered by this Act.]<sup>3)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Act No. 126/2011, Article 83. <sup>3)</sup> Act No. 68/2003, Article 34.

#### Article 77

[After receiving a proposal, with reasons, from the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> may appoint work safety councils for individual occupations to prepare proposals on improvements in matters relating to working conditions, health and safety in workplaces within the relevant occupation.

The organisations of the social partners within the specific occupation shall each nominate a representative to the council, and the representatives themselves shall choose the chairman and vice-chairman. [The Minister]<sup>1)</sup> shall decide the term of appointment of each individual council, which shall, however, never be longer than four years at a time. The occupational work safety councils shall send their proposals to the Board of the Administration of Occupational Safety and Health, which shall discuss them separately and comment on them to [the Minister]<sup>1)</sup>.

The cost of the activities of the occupational work safety councils shall be paid from the income of the Administration of Occupational Safety and Health, *cf.* paragraph 3 of Article 74.]<sup>2)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Act No. 68/2003, Article 35.

#### Article 78

[The employer shall record all accidents that occur in the workplace and result in the death or the incapacity of a worker for one day or more in addition to the day on which the accident occurred. The same shall apply to those diseases which the employer suspects, with reasons, or knows, can be traced to the job or other circumstances in the workplace. The employer shall also record mishaps that occur in the workplace which could cause accidents.

The Administration of Occupational Safety and Health, the parties involved in work safety in enterprises, *cf.* Articles 4–6 and the service provider, *cf.* Article 66 a, shall have access to the records.

The employer and the parties listed in paragraph 2 shall treat personal data from the records as confidential.

After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue further regulations<sup>2)</sup> on the recording of accidents, mishaps and diseases.]<sup>3)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Regulation No. 980/2014. <sup>3)</sup> Act No. 68/2003, Article 36.

#### Article 79

[The employer shall, without undue delay, inform the Administration of Occupational Safety and Health of all accidents in which a worker dies or becomes incapable to work for one day or more in addition to the day on which the accident occurred. An accident in which it is likely that a worker has incurred long-term or permanent damage to his health shall be reported to the Administration of Occupational Safety and Health within a maximum of twenty-four hours.

The employer shall notify the Administration of Occupational Safety and Health of the accident in writing within one week. The parties involved in work safety in enterprises, *cf.* Articles 4–6, and the service provider, *cf.* Article 66 a, shall receive a copy of the notification.

A physician who finds out, or suspects, that a worker or a group of workers have an occupational disease, a work-related disease, or have been exposed to harmful influences as a result of their jobs, shall report this to the Administration of Occupational Safety and Health without undue delay.

[The Health Insurance Administration]<sup>1)</sup> shall send the Administration of Occupational Safety and Health copies of reports it receives on accidents in workplaces.

After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>2)</sup> shall issue further regulations<sup>3)</sup> on the reporting of accidents.]<sup>4)</sup>

<sup>1)</sup> Act No. 45/2015, Article 26. <sup>2)</sup> Act No. 162/2010, Article 3. <sup>3)</sup> Regulation No. 612/1989. Regulation No. 921/2006. Regulation No. 922/2006. Regulation No. 165/2011. Regulation No. 980/2014. <sup>4)</sup> Act No. 68/2003, Article 37.

#### Article 80

[The employer shall notify the Administration of Occupational Safety and Health without undue delay, and within twenty-four hours at the most, of all accidents and mishaps in which any type of hazardous chemical substances or chemical products could cause pollution. The employer shall, as far as possible, provide information about the circumstances at the place of the accident, the types of chemical substance involved and the measures taken.

The employer shall notify the Administration of Occupational Safety and Health of the accident or mishap in writing within a week. The parties involved in work safety in enterprises, *cf.* Articles 4–6, and the service provider, *cf.* Article 66 a, shall receive a copy of the notification.

The employee shall inform workers who are at risk, or their representative, without delay of all accidents or mishaps in which hazardous chemical substances or chemical products could cause pollution.

The Administration of Occupational Safety and Health shall inform the Environment and Food Agency of incidents in which there is a danger that pollution will spread outside the workplace.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 38.

#### Article 81

[The Administration of Occupational Safety and Health shall investigate the causes of all accidents, mishaps and pollution reported according to Articles 79 and 80 in order to endeavour to prevent the reoccurrence of such incidents in workplaces.

When the Administration of Occupational Safety and Health receives a notification, its employees shall go to the site without undue delay in order to begin the site investigation. Circumstances at the scene of the accident may not be altered more than is absolutely necessary in connection with rescue or salvage measures until the site investigation has been made. If the Administration of Occupational Safety and Health considers there is no need to carry out a special site investigation, it shall inform the employer of this without undue delay.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 39.

#### Article 82

[The Administration of Occupational Safety and Health shall monitor to ensure that employers covered by this Act endeavour to secure a good working environment, health protection and safety levels for their workers when at work. Staff of the Administration of Occupational Safety and Health shall make inspection visits to enterprises to carry out their inspection functions, and shall be granted access to the enterprises' workplaces for this purpose. They shall also carry out monitoring and market surveillance in the course of their inspection visits. Staff of the Administration of Occupational Safety and Health shall show credentials concerning their work.

On their inspection visits, staff of the Administration of Occupational Safety and Health shall contact the employer or his representative and the parties involved in work safety in enterprises, *cf.* Articles 4–6, and they shall provide all the necessary information in connection with the inspection. Furthermore, staff of the Administration of Occupational Safety and Health may request the same information from other workers who are in employment, or who have been in employment at any time during the previous three months.

Staff of the Administration of Occupational Safety and Health shall have access to documents or other materials that are supposed to be available in enterprises according to this Act.

Staff of the Administration of Occupational Safety and Health may seek police assistance in their inspections when necessary.

Staff of the Administration of Occupational Safety and Health shall maintain records of their inspection visits according to this Article in which shall be recorded their comments, prohibitions imposed by the Administration of Occupational Safety and Health and other instructions and notifications regarding working conditions. The employer shall receive a copy of that part of these records that relates to his activities.

[If the Administration of Occupational Safety and Health applies written instructions concerning improvements in the workplace, the employer involved or his representative shall notify the Administration formally, such as by letter or by electronic way, when the improvements in question are completed in the workplace.]<sup>1)</sup>

After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>2)</sup> shall issue further regulations on the conduct of inspections. Furthermore, [the Minister]<sup>2)</sup> may decide that specific inspection functions of the Administration of Occupational Safety and Health shall be entrusted to another public institution or to accredited inspection institutes.]<sup>3)</sup>

<sup>1)</sup> Act No. 80/2015, Article 2. <sup>2)</sup> Act No. 162/2010, Article 3. <sup>3)</sup> Act No. 68/2003, Article 40.

#### Article 83

The employees of the Administration of Occupational Safety and Health are not allowed to use their situation to collect other information about the operations than those which are or may be necessary for the purpose of the inspection. They are also prohibited from providing others with information on the operations, the employees or other individuals, if they have collected the information during their inspection and there is a reason to assume that this information should be kept secret.

The employees of the Administration of Occupational Safety and Health are not permitted to indicate to the employer or his/her deputy if the inspection is carried out because of a submitted complaint.

#### Article 84

If the Administration of Occupational Safety and Health has claimed with due notice that improvements should be carried out on defective conditions and which can be classified as infringement of this Act or the regulations and announcements which have been issued in accordance with this Act, and these improvements have not been carried out when that time limit has passed, the Administration of Occupational Safety and Health can have the operations stopped, and close the enterprise or the part thereof at which the claim is aimed.

#### Article 85

If the Administration of Occupational Safety and Health considers that there is considerable danger to the life or health of employees or others, the Administration can demand an immediate action be taken to improve the lack of security, or they can stop the part of the operations in question.

An appeal of such decisions according to Articles 84 and 85 does not postpone the suspension of operations or the closing of a part thereof.

#### Article 86

If an employer or employees who have been entrusted with the supervision of work, the security protection or security representation, *cf.* Articles 4, 5, 6, 13 and 23, find out that sudden acute danger of health damage or occupational accidents is imminent for employees in the workplace, such as due to air pollution, poisoning, flammable or dangerous substances, danger due to landslide, collapse of stacks of goods or the collapse of a construction, danger of fall, explosion, or other serious danger, it is their duty to ensure that operations are halted immediately and/or employees desert the dangerous place.

[The employer shall also be obliged to ensure that workers themselves are able, if their safety or that of other people is exposed to an immediate threat, to take appropriate measures to avoid the consequences of the threat when it is not possible to contact their superior or a worker who has been entrusted with safety monitoring or the functions of a safety shop steward.

Measures according to paragraph 1 or 2 shall not render the parties named there responsible for damage which the enterprise may incur as a result of a stoppage or the abandoning by workers of the workplace where the immediate threat was believed to exist, and they may not be made to suffer in any way for their decision.]<sup>1)</sup>

The Administration of Occupational Safety and Health shall be notified as soon as possible and shall send their representative immediately to the workplace to evaluate the conditions and the circumstances and to determine whether or not the operations can be resumed if they have been halted, as well as about necessary improvement to make the operations and the workplace danger free.

<sup>1)</sup> Act No. 68/2003, Article 41.

#### Article 87

[In the event of violation of the provisions of this Act, or of regulations issued under this Act, and non-compliance with a decision of the Administration of Occupational Safety and Health based on this Act, the institution may decide that the person or persons to whom the decision applies shall pay *per diem* fines until the decision is complied with. The decision regarding *per diem* fines shall be announced to the person or persons to whom it applies by letter in a verifiable manner.

*Per diem* fines of up to ISK 100,000 per 24-hour period may be imposed. When the amount of *per diem* fines is determined, factors taken into account shall include the degree of urgency of the corrective measures to be taken and the size and extent of the business operations involved.

*Per diem* fines shall accrue to the State Treasury.

The party may appeal to [the Ministry]<sup>1)</sup> against a decision by the Administration of Occupational Safety and Health to impose *per diem* fines within fourteen days of the announcement of the decision. The Ministry shall deliver its ruling as soon as possible and normally within a month of receipt of the appeal.

Decisions of the Administration of Occupational Safety and Health regarding *per diem* fines may be executed by enforcement measures. Lodging an appeal to [the Ministry]<sup>1)</sup> shall defer enforcement measures.]<sup>2)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Act No. 68/2003, Article 42.

#### Article 88

...<sup>1)</sup>  
<sup>1)</sup> Act No. 68/2003, Article 43.

#### Article 89

The Minister shall issue regulations concerning the cooperation of the Administration of Occupational Safety and Health with other public institutions and seek the opinion of the other ministers of the cabinet.

### CHAPTER XIII

#### Report Duties of Enterprises, Granting of Operation License, etc.

#### Article 90

Operation signifies, in this Act, organized functions or actions, whether there is a workplace according to Article 41 or not.

Enterprise signifies, in this Act, all those who are involved in operations whether there are institutions, associations, individuals or other parties. As far as individuals are concerned it is of no importance whether they work alone or have other people in their service.

#### Article 91

The Administration of Occupational Safety and Health shall keep a registry of those enterprises covered by this Act. The Administration shall use for that purpose other registries available at [the Internal Revenue Directorate]<sup>1)</sup> as well as at other official organisations.

The Administration of Occupational Safety and Health shall cooperate in these matters with those, who through acts and regulations are concerned with providing enterprises with licenses for production, industry, operations or processing of all kinds.

<sup>1)</sup> Act No. 17/2003, Article 12.

#### Article 92

A copy of all industrial licenses issued by chiefs of police according to Article 12 of the Industrial Act, No. 42/1978, shall be forwarded to the Administration of Occupational Safety and Health.

#### Article 93

Anybody who wants to initiate operations of an enterprise or to change an older enterprise shall apply for a report from the Administration of Occupational Safety and Health whether the prospective operations are in accordance with this Act and appropriate regulations. For that purpose he/she shall provide the Administration with a detailed report with sufficient information concerning housing, installation of machinery, instruments and other equipment and other information which may be important according to [instructions of the Administration of Occupational Safety and Health].<sup>1)</sup>

...<sup>1)</sup>  
<sup>1)</sup> Act No. 68/2003, Article 44.

#### Article 94

Anybody who assumes the responsibility to construct a factory, a workshop or other comparable buildings, installs machinery, instruments or other equipment of any kind, shall be responsible to the Administration of Occupational Safety and Health for ensuring that the safety equipment is in accordance with this Act, [valid regulations and the instructions of the Administration of Occupational Safety and Health].<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 45.

#### Article 95

Anybody who is responsible for operations which are covered by this Act shall have a operation license issued by the Administration of Occupational Safety and Health to ensure that the operation complies with the recognized standards, provisions in acts and regulations, as well as instructions issued by the Administration of Occupational Safety and Health as far as working environment, health and safety are concerned.

[After receiving the comments of the Board of the Administration of Occupational Safety and Health, [the Minister]<sup>1)</sup> shall issue further regulations]<sup>2)</sup> concerning the issue of operation license as well as its duration.

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Act No. 68/2003, Article 2.

#### Article 96

Any operation which is covered by this Act shall be reported to the Administration of Occupational Safety and Health prior to its initiation.

It is prohibited to initiate operations in enterprises or parts thereof before the inspector has submitted a report to the appropriate parties to the effect that all equipment is in good condition and in coordination with instructions issued by the Director ... <sup>1)</sup> of the Administration of Occupational Safety and Health in the view of the inspector.

<sup>1)</sup> Act No. 68/2003, Article 46.

#### Article 97

If other parties are through Acts and Regulations concerned with providing enterprises with licenses for production, industry, operations or processing of all kinds, the operation license issued by the Administration of Occupational Safety and Health does not take effect until the enterprise has obtained all other licenses.

### CHAPTER XI

#### [Appeals.]<sup>1)</sup>

<sup>1)</sup> Act No. 68/2003, Article 47.

#### [Article 98

Appeals against decisions by the Administration of Occupational Safety and Health may be lodged with [the Ministry]<sup>1)</sup> within three months of the notification of the decision to the party involved. An appeal shall be regarded as having been lodged in time if the letter containing it is received by the Ministry, or has been delivered to the postal service, before the deadline expires.

[The Ministry]<sup>1)</sup> shall endeavour to deliver its ruling within two months of receiving an appeal.

Procedure in other regards shall be in accordance with the Administrative Procedures Act.]<sup>2)</sup>

<sup>1)</sup> Act No. 162/2010, Article 3. <sup>2)</sup> Act No. 68/2003, Article 47.

### CHAPTER XV

#### Penalties.

#### Article 99

Non-compliance with this Act and regulations that are issued accordingly are punishable by fines, unless heavier punishment is applicable through other legislation.

Fines shall be paid to the State Treasury.

...

<sup>1)</sup> Act No. 88/2008, Article 233.



## **CHAPTER XVI**

### **Entry into force.**

#### **Article 100**

This Act comes into effect on January 1 1981. [...]

### **Interim Provisions**

1.

...

2.

...

3.

The Minister of Social Affairs shall, before 1 June 1981, issue a Regulation<sup>1)</sup> on the provisions of this Act that apply to agriculture. It shall among other things include a provision allowing for the involvement of the Farmers' Union in decisions on those provisions of this Act which apply specially to agriculture. The regulation shall be compiled in consultation with the board of the Occupational Health and Safety Administration, the Farmers' Union and the Agricultural Society of Iceland.

4.

...

5.

[This Act shall be reviewed in consultation with the social partners and the board of the Occupational Health and Safety Administration by the end of 1990 at the latest.]<sup>2)</sup>

[6.

The Minister of Social Affairs shall appoint a new Board of the Administration of Occupational Safety and Health within two months of the commencement of this Act, upon which the powers of the former board shall be revoked. The new Board shall take over those tasks of the former Board that concern the formation of professional policy of the Administration of Occupational Safety and Health, but the institution shall take over its other tasks.]<sup>3)</sup>

[7.

Notwithstanding the provisions of the first paragraph of Article 55, the maximum working time of physicians in occupational training (interns) shall not exceed 58 hours, on average, during each four-month period until 31 July 2007. During the period from 1 August 2007 to 31 July 2009, the maximum working time of physicians in occupational training (interns) shall not exceed 56 hours, on average, during each four-month period. During the adaptation period, employers shall consult employees' representatives with good notice with a view to reaching agreement on the structure of working time. The relevant organisations of the social partners may also negotiate an agreement on the structure of interns' working time during the adaptation period. In other respects, Article 55 of this Act shall apply to interns.

8.

The rules set by the board of the Occupational Health and Safety Administration prior to the commencement of the Act No. 68/2003, amending the Occupational Health and Safety Act, No. 46/1980, shall remain in force until new rules are set by the Minister of Social Affairs after receiving the comments of the board of the Occupational Health and Safety Administration.]<sup>4)</sup>

<sup>1)</sup> Regulation No. 288/1981. <sup>2)</sup> Act No. 15/1986, Article 1. <sup>3)</sup> Act No. 68/2003, Interim Provision. The Act came into effect 7 April 2003, cf. Article 49 of the same Act. <sup>4)</sup> Act No. 138/2005, Article 2.

[9.

By agreement between the organisations of the social partners, it shall be permitted to make exception from the provisions of Articles 53 and 56 on rest time and night working time of those employees who provide individuals with service under collaborative project involving central government, the local authorities and the national federations of disabled people on client-controlled personal assistance, according to interim provision IV of the Act No. 59/1992, on the Affairs of Disabled People, with subsequent amendments. If an exception from the provision of Article 53 is made by such agreement, thus the rest time will be shorter for the relevant employees than the provision allows, then the aim should be that the employees shall have as soon as possible equivalent minimum rest time under aforementioned provision. The Administration of Occupational Safety and Health shall grant comment on such agreement between the organisations of the social partners.

This provision has effect until the same time as the interim provision IV of the Act No. 59/1992, on the Affairs of Disabled People, with subsequent amendments, or till the end of 2016.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2015, Article 3.

**[In Article 48 of Act No. 68/2003, amending this Act is the ensuing provision:]**

This Act is passed partly in order to introduce Council Directive No. 89/391/EEC on the introduction of measures to encourage the safety and health of workers at workplaces, which is referred to in item 8 of Annex XVIII to the Agreement on the European Economic Area, Council Directive 93/104/EEC, concerning certain aspects of the organisation of working time, which is referred to in item 28 of Annex XVIII to the Agreement on the European Economic Area, as amended by Decision of the EEA Joint Committee No. 42/96, and Council Directive 94/33/EEC on the protection of young people at work, which is referred to in item 29 of Annex XVIII to the Agreement on the European Economic Area, as amended by Decision of the EEA Joint Committee No. 43/96.

**[Article 3 of the Act No. 138/2005, amending the present Act,  
contains the following provision:]**

This Act is passed to introduce Council Directive No. 2003/88/EEC, concerning certain aspects of the organisation of working time, to which reference is made in item 32 h of Annex XVIII to the Agreement on the European Economic Area, as amended by Decision of the EEA Joint Committee No. 45/2004, cf. also Council Directive No. 2000/34/EEC, amending Council Directive No. 93/104/EEC, concerning certain aspects of the organisation of working time, so as to make it cover the occupations and activities covered by that directive.

*[This translation is published for information only.  
The original Icelandic text is published in the Law Gazette.  
In case of a possible discrepancy, the original Icelandic text applies.]*