

Regulations concerning working time for drivers and others in road transport

Introductory provisions

Section 1. Purpose

The purpose of these regulations is:

- 1.To ensure that employees who perform mobile work in road transport are not exposed to adverse physical or mental burdens,
- 2.To improve traffic safety,
- 3.To align conditions of competition.

Section 2. Scope

These regulations apply to undertakings with employees who participate in transport activities covered by Regulations concerning driving and rest time for road transport in the EEA or the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (the AETR Regulations).

Drivers who do not fall under the definition of self-employed drivers in section 5, no. 6, shall have the same duties and rights as employees.

Section 3. Duty to contribute

Dispatchers, expeditors, suppliers, principals and other stages in the transport chain shall contribute to compliance with the provisions in these regulations.

An employee shall contribute to compliance with the provisions in these regulations.

Section 4. Relationship to the driving and rest time rules

These regulations supplement the provisions in the Regulations on driving and rest time and the AETR Regulations. In the event of any conflict, the provisions in the Regulations on driving and rest time and the AETR Regulation take precedence over these regulations, to the extent this does not reduce the protection of the employee.

Section 5. Definitions

The following definitions shall apply in these regulations:

1. *Working time*: The period the employee is at the workplace and at the disposal of the employer, i.e.
 - a.The time devoted to all road transport work. Such work includes driving, loading and unloading, assisting passengers in connection with boarding and disembarking from the vehicle,

cleaning, technical maintenance and all other work intended to ensure the safety of the vehicle, its cargo and passengers or to fulfil the legal or regulatory obligations directly linked to the specific transport operation under way, including monitoring of loading and unloading, administrative formalities with police, customs, immigration officers etc.

b. The times during which the employee cannot dispose freely of his or her time and is required to be at his or her workstation, ready to perform his or her normal work, and certain tasks associated with the position are being performed. This applies, for example, to periods awaiting loading or unloading where it is not known in advance how long these can be expected to last .

2. Periods of availability:

a. Periods other than breaks and rest time where it is not required that the employee stay at his or her workplace but can be asked to accept driving, continue with driving or accept other work. This includes travel time with a ferry or train when the vehicle is aboard the ferry or train, waiting time at frontiers and waiting time as a result of traffic prohibitions. These periods shall be known to the employee in advance, and the employee shall be aware of how long the employee can be expected to wait.

b. Time spent alongside the driver or on the couchette while the vehicle is in motion when there is more than one employee in the same vehicle.

3. *Total working time:* Working time including overtime.

4. *Workstation:* All places where work is performed that is related to the transport.

5. *Employee:* All employees, including trainees and apprentices, who are part of the travelling staff employed in an undertaking which operates passenger or goods transport on roads for its own account or another's.

6. *Self-employed:* All persons who meet the following requirements:

a. Entitled to work for himself or herself without being tied to an employer by an employment contract or other forms of hierarchical employment relationships,

b. Freely able to organise his or her own activities,

c. Has an income that directly depends on the profit from the work and

d. Is free to have business relationships with several customers, possibly through cooperating with other self-employed drivers.

7. *Week:* The period between 00.00 hours on Monday and 24.00 hours on Sunday.

8. *Night work:* Work that is performed in the period between 21.00 hours and 06.00 hours.

Provisions on working time, rest breaks, night time work, etc.

Section 6. Recording of working time

An employer shall arrange for the working time of employees to be recorded. The recorded information shall be kept for two years after the end of the working period in question. The Personal Data Act similarly applies to this record.

Section 7. Work schedule

If the employees work at different times of the day, a work schedule shall be prepared showing

which weeks, days and times an individual employee is to work. The work schedule shall be prepared in cooperation with the employees' representatives. Unless otherwise stated in a collective agreement, the work schedule shall be discussed with the employees' representatives as early as possible and no later than two weeks before being implemented. The work schedule shall be readily available to the employees.

Section 8. Normal working time

Normal working time may not exceed nine hours in the course of 24 hours and 40 hours in the course of seven days.

Normal working time may not exceed nine hours in the course of 24 hours and 38 hours in the course of seven days for:

1. 24-hour shift work and comparable roster work,
2. work on two shifts that is regularly conducted on Sundays and holidays, and comparable roster work that is regularly conducted on Sundays and holidays,
3. work that means the employee must work at least every third Sunday,
4. work that is primarily conducted at night.

Section 9. Right to reduced working time

An employee who for health, social or other weighty welfare reasons so needs shall have the right to reduction of his or her normal working time if the reduction of working time can be arranged without major inconvenience to the undertaking. When the agreed period of reduced working time is over, an employee is entitled to return to previous working time. Under otherwise identical circumstances, an employee with reduced working time has a preferential right to increase his or her working time when a position becomes available at the undertaking, provided that the position wholly or essentially is assigned the same job duties.

In the event of a dispute regarding a right to reduced working time, the provisions in section 10-13 of the Act relating to working environment, working hours and employment protection, etc.

(Working Environment Act) applies.

Section 10. Access to average calculation of normal working time

If agreed in writing, the normal working time may be arranged so that in the course of a period not longer than one year the average is as long as prescribed in section 8, but not over 48 hours in the course of seven days and not over nine hours in the course of 24 hours.

For an undertaking bound by a collective agreement, the employer and the employees' representatives may agree in writing that the normal working time shall be arranged so that in the course of a period not longer than one year the average is as long as prescribed in section 8, but not over 54 hours in the course of seven days and not over ten hours in the course of 24 hours.

On the same terms as in the second paragraph, the working time may be arranged so that in the course of a period not longer than 16 weeks the average is as long as prescribed in section 8, but

not over 60 hours in the course of seven days and not over ten hours in the course of 24 hours. Normal working time for employees who work more than three hours a night shall on average not exceed eight hours in the course of 24 hours.

The period for calculating the average for night work is four weeks.

Working time longer than what is provided for in section 8 may not be used for more than six continuous weeks.

Section 11. Overtime work and additional work

Work in excess of normal working time under sections 8 and 10, is considered overtime work. For an employee who has reduced working time or is employed part-time, the working time that exceed the agreed hours but are within the normal working time are considered additional work. Overtime work and additional work are permitted if there is a special, time-limited need for increased work effort.

Before overtime work and additional work are implemented, an employer shall, if possible, discuss the necessity of it with the employees or their representative.

Required overtime may not exceed 200 hours in a calendar year.

An employer is obliged to release an employee from performing overtime work and additional work when the employee requests it for health or weighty social reasons. An employer is also obliged otherwise to release an employee who requests it when the work can be postponed or performed by others without harm.

An employer and an employee may agree in writing on overtime work of up to 400 hours in a calendar year.

For overtime work in excess of normal working time under section 8, a supplement shall be paid in addition to the wages the employee receives for equivalent work during normal working time. The supplement shall be at least 40 per cent.

Section 12. Total daily working time

Total daily working time may not exceed 13 hours in the course of 24 hours.

If night work is performed, the daily total working time shall not exceed ten hours in the course of 24 hours.

Section 13. Total weekly working time

The total weekly working time may not exceed 48 hours on average.

The total weekly working time may amount to a maximum of 60 hours, provided that they do not amount to more than 48 hours on average in the course of a period of 16 weeks.

When an employee exclusively performs passenger transport not on a route, a weekly rest period may be taken after 12 continuous working days. Irrespective of this, total weekly working time in the course of a period of 16 weeks shall not amount on average to more than 48 hours.

Section 14. Daily and weekly rest periods

An employee shall have at least 11 hours of continuous daily rest in the course of 24 hours. The rest period may be reduced in accordance with the provisions in the Regulations concerning driving and rest time for road transport in the EEA or the AETR Regulations.

An employee shall have a continuous weekly rest of at least 36 hours in the course of seven days, and in such a way that an entire 24-hour period is included in the time off. To the extent possible, the rest period shall be arranged for a Sunday or holiday. An employee who has performed Sunday or holiday work shall have the following Sunday or holiday as rest period.

For an undertaking bound by a collective agreement, the employer and the employees' representatives may agree that the weekly rest period on average shall be 36 hours, but never shorter than 24 hours in any individual week. Such agreement can only be made on the condition that the employees are given compensatory rest, or other suitable protection if this is not possible. For an undertaking bound by a collective agreement, the employer and the employees' representatives may agree for a period of up to 26 weeks a working time arrangement that gives the employees weekly rest periods on average every other Sunday and holiday, but in such a way that the weekly 24-hour continuous rest period falls on a Sunday or holiday at least every third week.

Section 15. Breaks

Breaks shall be taken as needed, or after a maximum of six working hours. The break shall be at least 30 minutes if the daily working time total between six and nine hours, and at least 45 minutes if the daily working time total more than nine hours. The breaks may be divided into periods of at least 15 minutes each.

When the employee is required to work overtime of more than two hours' duration after the normal working time have been completed, the employee shall first be given a break of at least 30 minutes. When the circumstances make it necessary, this break may be shortened or postponed. Breaks that are arranged after the end of normal working time shall be reimbursed as overtime work but are not included in the number of hours it is permitted to work overtime under section 11. If the break is postponed to a time before the end of normal working time, it is considered a part of the normal working time.

Trainees and apprentices are covered by the same provisions on rest time as other employees are entitled to under Regulations concerning driving and rest time for road transport in the EEA or the AETR Regulations.

Section 16. Health check-up of night workers

An employee who primarily performs work at night shall be given an offer of a free health check-up before starting employment and thereafter at regular intervals.

Section 17. Remuneration for night work

Remuneration for night work may not be of such a nature that traffic safety is put at risk.

Section 18. Work for several employers

In the event of employment at several employers covered by these regulations, total working time for these shall be summed.

The employer shall ask the employee in writing for a list of the hours the person in question has worked for another employer who is covered by these regulations. The employee is obliged to submit the information in writing.

Section 19. Exceptions

For an undertaking bound by a collective agreement, the employer and the employees' representatives may agree in writing to derogate from the provisions in section 12, first and second paragraphs, and section 13, second paragraph, if made necessary by objective or technical circumstances or circumstances related to the organisation of the work. Total daily working time must nevertheless not exceed 16 hours. The period for calculating an average in section 13, second paragraph, may not exceed 26 weeks.

The provisions in these regulations may be derogated from for work that because of natural occurrences, accidental occurrences or other unforeseen events must be undertaken to avert a hazard or harm to life or property.

Derogations under the first and second paragraphs are conditioned on the employees being assured compensatory rest periods, or, where this is not possible, suitable protection being arranged for the affected employees.

Inspections and penalties, etc.

Section 20. Inspections

The Norwegian Labour Inspection Authority, the police and the Norwegian Public Roads Administration are supervisory authorities in accordance with the respective enabling acts.

Section 21. Penalties

Violations of these regulations or decisions taken pursuant to them may be punished under the Road Traffic Act, section 31, and the Working Environment Act, Chapter 19.

Entry into force

Section 22. Entry into force

These regulations enter into force on 1 July 2005.

