

Unauthorized translation of the Norwegian FOR 2010-12-20 nr 1780: Forskrift om helsekrav for personer i arbeid på innretninger i petroleumsvirksomheten til havs

Regulations regarding health requirements for persons working on installations in petroleum activities offshore

Adopted by the Directorate of Health on 20.12.2010 pursuant to the Act of 29 November 1996 no. 72 relating to petroleum activities (the Petroleum Activities Act) section 10-18 subsection 1, cf. Royal decree of 31 August 2001 regarding health, safety and the environment in petroleum activities (the Framework regulations) section 57, cf. the EEA Agreement appendix VII (Directive 92/51/EEC).

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Chapter 1: General provisions

Section 1 Purpose

These regulations shall contribute to persons working on installations in petroleum activities offshore not representing a danger to themselves or to others or to the safe operation of the installation because of the condition of their health.

Section 2 Scope

These regulations apply to health requirements for persons working on and persons staying on installations in petroleum activities offshore that are included in the scope of the Petroleum Activities Act.

The Norwegian Directorate of Health can give more detailed rules regarding health examination and guidance regarding the health requirements and the possibility of dispensation from these.

In special cases, where responsible from the point of view of safety, the operator may partly or fully exempt a person who does not perform work for the operator from the provisions of these regulations. The operator shall maintain a summary of such exemptions and the grounds for them.

The requirements also determine health requirements for persons who work under raised ambient pressure (divers).

Section 3 Definitions

Terms as used in these regulations are understood as follows:

Certificate of medical fitness: Certificate from a petroleum doctor, cf. section 6, that a person has been examined in accordance with the regulations, cf. guidelines, and considered to satisfy the health criteria therein.

Certificate of medical unfitness: Certificate from a petroleum doctor, cf. section 6, that a person has been examined in accordance with the regulations, cf. guidelines, and considered not to satisfy the health criteria therein.

Petroleum doctor: Doctor who is authorised to issue certificates of medical fitness and unfitness in accordance with these regulations for persons who do not work under raised ambient pressure.

Diving doctor: Doctor who is authorised to issue certificates of medical fitness and unfitness in accordance with these regulations for persons who work under raised ambient pressure.

Manned underwater operation: Activity in which people are submerged and/or exposed to raised ambient pressure.

Petroleum activities: All activities associated with subsea petroleum deposits, including exploration, exploration drilling, production, transportation, utilisation and decommissioning, including planning of such activities, but not including, however, transport of petroleum in bulk by ship, cf. the Petroleum Activities Act, section 1-6 letter c.

Operator: Anyone executing on behalf of the licensee the day to day management of the petroleum activities, cf. the Petroleum Activities Act, section 1-6 letter k.

Supplier: Anyone who, in accordance with a contract with an operator or other suppliers, carries out activities in or in connection with petroleum activities.

Section 4 Requirement for health certificate

Those to whom the health requirements apply, cf. section 2, shall hold health certificates issued in accordance with the provisions of these regulations at all times. The person concerned may freely choose which petroleum doctor/diving doctor shall issue the certificate.

Section 5 The responsible subject of the activity

Operators, suppliers and others participating in petroleum activities shall, within their respective areas of responsibility, ensure and be able to document at all times that persons who are mentioned in section 2 have valid health certificates in accordance with these regulations.

Chapter 2 Petroleum doctors and diving doctors

Section 6 The functions etc. of the petroleum doctor and diving doctor

An authorised petroleum doctor shall perform health examinations and issue certificates in accordance with the rules in these regulations, cf. the Norwegian Directorate of Health guidelines, and in accordance with the examination forms prepared for such purpose. For persons who shall work under raised ambient pressure, the examinations are carried out and the certificates issued by a diving doctor.

Section 7 Authorisation of petroleum doctors and diving doctors

Authorisation as petroleum doctor or diving doctor, cf. sections 8 and 9, may be given to doctors who hold general Norwegian authorisation and to doctors abroad who have documented knowledge of:

- relevant Norwegian regulations and
- conditions on installations offshore (petroleum doctor and diving doctor) and conditions relating to manned underwater operations (diving doctor)

Doctors abroad must be proficient in a Scandinavian language or English.

Authorisation as petroleum doctor or diving doctor is given by the Norwegian Directorate of Health or those bodies authorised by the Directorate to do so.

Authorisation as petroleum doctor or diving doctor is given for 3 years at a time. A public register of authorised doctors is maintained.

Renewal of authorisation requires that the doctor has not shown himself or herself unsuitable for the duties of a petroleum or diving doctor and has maintained his or her knowledge.

Authorisation as petroleum doctor or diving doctor shall be withdrawn if the doctor no longer complies with the conditions that are set out in these regulations, or does not satisfactorily perform his or her duties in accordance with these regulations.

Section 8 Detailed competence requirements for petroleum doctors

The following detailed competence requirements that have been determined by the Norwegian Directorate of Health apply for authorisation as a petroleum doctor:

Initial authorisation

Completed mandatory training and passed the exam.

Reappointment requirements

Completed mandatory update course and passed the exam.

Section 9 Detailed competence requirements for diving doctors

Initial authorisation

In order to be authorised as a diving doctor, the person in question must, in addition to being authorised as a petroleum doctor, also document knowledge of the special conditions and requirements that apply to work under raised ambient pressure. The Norwegian Directorate of Health gives more detailed provisions regarding this competence requirement.

Reappointment requirements

Completed mandatory update course and passed the exam.

Chapter 3 Health examinations

Section 10 Identification and self-declaration

The petroleum doctor or diving doctor shall assure the person's identity before the examination commences. The person to be examined shall be advised that he or she is obliged to give as complete information as possible about the state of his or her health and shall provide a self-declaration about his or her health on the relevant form. The self-declaration shall be signed in the presence of the petroleum doctor or diving doctor and kept by this doctor. The self-declaration shall state that, in signing the declaration, the person consents that the petroleum doctor or diving doctor may collect the health information that is necessary to ensure a proper assessment.

Section 11 Health requirements

The person mentioned in section 2 must not, due to his or her health, represent a danger to him or herself or to others or to the safe operation of the installation. The person in question must satisfy the following general health requirements:

- be in appropriate physical and mental condition to cope with living and working on the installation and with an evacuation situation
- be able to work safely offshore
- not have a condition that could lead to alarms not being registered
- not have a disorder that, due to the lack of necessary medication or for other reasons, could lead to a serious danger to the health and safety of him or herself or others.

The person in question must also satisfy the following specific health requirements:

1) Vision

Visual acuity must be sufficiently good that the person in question can work in a safe manner on installations in petroleum activities offshore.

There must be a normal field of vision in at least one eye.

2) *Hearing*

Hearing must not be impaired to the extent that acoustic alarms critical for safety and verbal communication may not be understood.

3) *Cardiovascular disease*

There must be no cardiovascular disease that might increase the probability of an acute illness requiring treatment.

4) *Disturbances to brain function.*

There must be no condition that might increase the probability of episodic brain dysfunction or other attacks of reduced consciousness.

5) *Mental disorders*

There must be no mental disorder or personality disturbance that might lead to reduced judgement, lack of impulse control or behavioural disturbances.

6) *Diabetes*

There must be no insulin-dependent diabetes mellitus or other anti diabetic medication and that might lead to hypoglycaemia.

7) *Abuse*

There must be no abuse of alcohol or drugs and no use of sedatives or anaesthetics in doses that reduce alertness and working ability.

8) *Lung function*

The lung function must be satisfactory.

9) *Mobility*

The mobility must be sufficient that the person in question can work in a safe manner and cope with an emergency situation and evacuation.

10) *Use of medication*

There must be no use of medication, whether prescribed by a doctor or not, that reduces the ability of the person in question to work in a safe manner and cope with an emergency situation and evacuation.

11) *Other disorders*

There must be no other disorders causing the requirements for health and mobility not being satisfied or that can lead to a need for acute medical treatment that cannot be given offshore.

There must be no degree of obesity that would represent a safety risk in an emergency situation.

The health requirements in these regulations are not satisfied after the 28th week of pregnancy.

Section 12 Specific health requirements for persons who shall work under raised ambient pressure

The health requirements in section 11 apply to persons who will be exposed to raised ambient pressure. The specific health requirements that the Directorate of health has determined for divers apply in addition.

Section 13 The health examination performed by the petroleum doctor or diving doctor

The petroleum doctor or diving doctor shall obtain the information about the person's state of health, working conditions and duties that is necessary to reach a decision of whether a health certificate can be issued. The main findings, assessment and conclusion shall be noted on the appropriate form or an equivalent electronic documentation system. This shall be kept, together with other relevant material, in the person's medical records.

In preparation of the assessment, the petroleum doctor or diving doctor must obtain statements from other doctors or health professionals to the extent necessary.

If the petroleum doctor or diving doctor receives information that is of significance for the assessment, this information shall be presented to the person who is being examined.

Chapter 4 Certificate of medical fitness and unfitness etc.

Section 14 Issue of certificate of medical fitness and unfitness

Following the medical examination, if the petroleum or diving doctor finds that a person satisfies the health requirements given pursuant to these regulations, the doctor shall immediately issue a health certificate on the appropriate form.

The petroleum or diving doctor may restrict the period of validity, taking into account the applicant's health situation.

Following the medical examination, if the petroleum or diving doctor considers that a person does not satisfy the health requirements given pursuant to these regulations, the doctor shall issue a certificate of medical unfitness on the appropriate form.

Copies of the above mentioned forms are treated as part of the person's medical records and kept in accordance with the regulations regarding patient records.

The petroleum or diving doctor shall advise the applicant of the grounds for a decision regarding limitation of validity or a certificate of medical unfitness. The doctor shall advise of the right to have the case referred to the County Governor of Rogaland.

Section 15 The health certificate's period of validity

The health certificate is valid for a maximum of two years.

For those who work under raised ambient pressure, the health certificate is valid for a maximum of one year.

The period of validity is based on the date on which the health certificate is issued. On renewal, the new period of validity may be counted from the expiry date of the current health certificate if the employee presents him or herself for examination during the last month of the period of validity.

Section 16 New health examination in special cases

A person who has been absent due to illness for 8 weeks or more, or who has reasons to believe that he or she no longer satisfies the health requirements, shall consult a petroleum doctor or diving doctor, who will assess the need for a new health certificate.

An operator or the subject responsible for an activity in accordance with section 5 may demand a new health certificate to be presented if it is probable that the person no longer satisfies the requirements for the health certificate.

Chapter 5 Administrative procedures

Section 17 Re-examination, dispensation and appeals

The doctor's decision to issue a health certificate with restricted validity period or a certificate of medical unfitness may be referred to the County Governor of Rogaland. The case should be presented to the petroleum or diving doctor who has issued the health certificate or the certificate of medical unfitness.

The petroleum doctor or diving doctor shall carry out such further investigations as the case requires and forward the results of these with detailed information to the County Governor of Rogaland.

The County Governor decides whether the health requirements have been satisfied or not:

- 1) If the health requirements have been satisfied a health certificate is issued.
- 2) If the health requirements have not been satisfied, consideration is given to whether a dispensation from the health requirements may be given. Such dispensation shall only be given if there are specific reasons and if considerations of safety do not suggest otherwise. Conditions for the dispensation may be set.

The decision of the County Governor of Rogaland in accordance with section 17 is an individual decision, and an appeal may be made to a complaints commission in accordance with the rules of the Public Administration Act.

The time limit for appealing a decision by the County Governor of Rogaland is 3 weeks from the date the notification of the decision has been received by the applicant. The appeal is sent to the County Governor of Rogaland.

Section 18 The composition of the complaints commission

The Norwegian Directorate of Health appoints a complaints commission made up of four members:

- a doctor, who chairs the commission
- a member proposed by the Petroleum Safety Authority Norway
- a doctor proposed by the employer organisations
- a member proposed by the employee organisations

At least one deputy is appointed for each member.

The members of the complaints commission are appointed for 4 years. Members may be reappointed.

In the event of a tied vote, the chair's vote counts double.

The secretariat for the complaints commission is the County Governor of Rogaland. The secretariat shall have legal competence.

Section 19 The complaints commission's administrative procedures and competence

The Public Administration Act, including the provisions regarding confidentiality, applies to the commission's members and administrative procedures.

The person bringing the appeal has the right to attend the commission and to bring an agent.

The commission may put limitations and conditions on the health certificate.

Chapter 6 Concluding provisions

Section 20 Health certificate in accordance with other regulations

A person who has undergone a health examination and received a health certificate in accordance with other regulations, Norwegian or foreign, that set at least as stringent health requirements, is considered to have satisfied the health requirements in these regulations. The County Governor of Rogaland decides which regulations this shall apply to.

Section 21 Enforcement measures

The provisions regarding prosecution and other enforcement measures that appear in petroleum and health legislation apply to breach of the provisions of these regulations.

Section 22 Exemptions

The Norwegian Directorate of Health may grant exemptions to these regulations in special cases.

Section 23 Transitional arrangements

Those health certificates or dispensations that are issued before these regulations come into force will be valid for the period for which they are issued.

Anyone wishing to work as a petroleum doctor or diving doctor must satisfy the requirements of sections 7 to 9 of these regulations within three years of these regulations entering into force. The same applies to doctors abroad who have been authorised in accordance with section 5 of the regulations of 12 November 1990.

Section 24 Entry into force

These regulations enter into force on 01.01.2011.

As from the same time shall be repealed the Regulations of 12.11.1990 no. 1164 regarding health requirements for employees in petroleum activities, adopted by the Directorate of Health pursuant to section 57 of the Act of 22.03.1985 no. 11 regarding petroleum activities, cf. section 23 of the Regulations of 28.06.1985 no. 1215 regarding safety etc. in petroleum activities (cf. the Ministry of Social Services delegation paper of 05.09.1985) cf. Act of 29.11.1996 no. 72 regarding petroleum activities cf. Regulations of 27.06.1997 no. 649 regarding safety in petroleum activities section 4 no. 3 cf. Regulations of 31.08.2001 regarding health, safety and the environment in petroleum activities section 57 and section 63 no. 4 cf. no. 2 q.

Notes to Section 2

These regulations cover (health requirements for) all forms of work or activity, paid or otherwise, regardless of how the work is organised - as employment or independent consultancy activities etc. - and not only work that is directly related to petroleum activities.

(Employees on mobile offshore units outside petroleum activities or during transport to or from petroleum activities are covered in principle by the Seamen's Act. This follows from the Regulations of 31.01.1986 no. 222 regarding the scope of application of the seamen's Act sections 1 and 7. "Mobile offshore units" are defined in these last named regulations section 2 no. 1.)