

The Greenland Working Environment Act



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Executive Order No. 1048 of 26 October 2005 subsequently amended - unofficial version

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THE COMPILATION covers

- **Executive Order No. 1048 of 26 October 2005**, and
- **Act No. 1382 of 23 December 2012**

The Greenland Working Environment Act No. 295 of 4 June 1986 is hereby promulgated with the amendments provided for in section 3 of Act No. 193 of 26 March 1991 and Act No. 321 of 18 May 2005.



Part 1 - Objective and scope

1. The provisions of this Act shall have effect with a view to creating:

1. a safe and healthy working environment which shall at any time be in accordance with the technical and social development of the Greenland society, and
2. the basis on which the enterprises themselves will be able to solve questions relating to safety and health under the guidance of the employers' and workers' organisations, and under the guidance and supervision of the Working Environment Authority.

2-(1) The provisions of this Act shall apply to work in Greenland for an employer.

(2) The following activities shall be excepted:

1. work in the employer's private household, cf., however, section 45 d,

2. work carried out exclusively by such members of the employer's family as belong to the household, cf., however, section 45 d,
3. work which is carried out by military personnel and which may be classified as actual military service.

3) The following provisions shall apply also to work not carried out for an employer and to the work mentioned in subsection (2) above:

1. Section 15 on several employers, etc. at one workplace, sections 24 to 30 on suppliers, etc. and section 31 on building owners, etc.,
2. Sections 32 and 33 on performance of work,
3. Sections 36 and 37 on technical equipment,
4. Sections 38 and 39 on substances and materials,
5. Section 45 c on road transport,
6. Section 46 (3) on minimum age in connection with hazardous work.

(4) The Minister of Employment may direct that special health and safety rules shall apply to military areas and facilities.

3.-(1) The provisions of this Act shall apply to aviation only as regards work on the ground.

(2) The provisions of this Act shall apply to the shipping and fishing industries only as regards:

1. loading and unloading of ships, including fishing vessels,
2. shipyard work carried out on board ships and similar work.

(3) This Act shall not apply for work offshore.

3 a. The Minister of Employment may lay down that the provisions of this Act shall apply only to a limited extent to work carried out in the employee's own home.



Part 2 - Safety and health activities at enterprises

Personal contact

4. In enterprises with one to nine employees, the activities of the enterprises concerning safety and health shall be carried out through personal contact between the employer, supervisors, if any, cf. section 18, and the other employees. However, the Minister of Employment may lay down

rules on the establishment of an Internal Safety Organisation where it is considered necessary.

Internal Safety Organisation

5.-(1) In enterprises with ten or more employees, the activities of the enterprise concerning safety and health shall be organised.

(2) The supervisor of a department or a special field of activity shall, together with the safety representative, constitute a Safety Group for that particular department or field of activity.

(3) The employees shall elect a safety representative for each department or field of activity to be a member of the Safety Group and to represent them in all matters concerning safety and health. A shop steward may be elected safety representative.

6.-(1) In enterprises with 20 or more employees, cf. however, section 7 (7), a Safety Committee shall be set up. Where one or two safety groups have been set up in the enterprise, the members of such group or groups shall constitute the Safety Committee, together with the manager of the enterprise or a responsible representative of the manager. Where several safety groups have been set up, the safety representatives shall elect two members amongst themselves, and the supervisors in the safety groups shall elect two members from amongst themselves for a Safety Committee. These members are joined by the manager of the enterprise or some responsible representative of the manager. The Safety Committee shall plan, manage, advise on, inform about and supervise the activities concerning safety and health within the enterprise.

(2) The inspector from the Working Environment Authority shall regularly contact the management of the enterprise and the safety representatives, safety groups and representatives from the Safety Committee when visiting the enterprise. These shall be free to submit to the Authority all questions concerning safety and health.

7.-(1) The Minister of Employment may lay down further rules on the organisation and functioning of the activities of the enterprises concerning safety and health including rules on the election of safety representatives, their rights and duties, the setting up of safety groups and safety committees and their activities and on the daily management of the safety activities.

(2) The Minister for Employment shall lay down more detailed regulations on health and safety training, including health and safety training for coordinators of health and safety work within the building and construction area, the qualifications of teachers and quality assurance of training providers.

(3) According to agreement between the enterprise and its employees, the tasks of the Internal Safety Organisation may be extended to include environmental issues directly connected to the enterprise. The Minister of Employment may lay down rules which ensure that environmental

issues at the enterprise are solved.

(4) With a view to enhancing and strengthening safety and health work at the enterprise, deviations from sections 5 and 6 (1) may be granted under conditions specified by the Minister of Employment if:

1. an agreement has been entered into between one or more employee organisations and the corresponding employer organisation(s), or the employer or those authorised for such purpose, and
2. enterprises under agreements entered into under (1) above have entered into an agreement between the employer and the employees at the enterprise, or employees at part of the enterprise.

(5) The Minister of Employment may lay down rules for how agreements under subsection (4) above shall be established.

(6) Questions of interpretation and violations of the agreements entered into under subsection (4) above shall be settled by the normal procedure for settling industrial disputes or, where impossible, by the courts of law.

(7) Where it is deemed unnecessary or inexpedient to organise the safety activities according to the rules laid down in sections 5, 6 (1), and 8 (3), the Minister of Employment may - for certain trades, sectors or workplaces - grant exemptions from or adapt the said rules to meet the special conditions.

(8) The Minister for Employment may also make exemptions from the requirement of section 7(2) for health and safety training of coordinators, if such training is not available in Greenland.

8.-(1) Where the employer is not himself a member of the Safety Committee, he shall be under an obligation to appoint a responsible person as his representative.

(2) The employer shall ensure that the members of the safety groups and the Safety Committee are given reasonable time according to the specific circumstances to execute their duties in connection with safety activities.

(3) The employer shall offer both the members of the Safety Committee and the safety groups the opportunity of obtaining the necessary information or training on matters concerning safety and health.

(4) The employer shall offer the safety groups and the Safety Committee the opportunity of participating in planning as far as matters of safety and health at work are concerned.

(5) In enterprises where one or several safety groups have been set up in accordance with

section 5, but where a Safety Committee in accordance with section 6 is not required, the employer shall ensure that activities which are normally taken up by a Safety Committee shall be effectively carried out in cooperation with the safety group or groups.

9.-(1) The employer shall pay all expenses in connection with the activities of the safety representative and shall indemnify him for loss of earnings, including expenses and loss of income in connection with his required participation in safety courses, etc. The same shall apply to the supervisor's required participation in safety courses, etc.

(2) The Minister of Employment may direct that the State shall provide subsidies for total or partial compensation for expenses in connection with the training of the Internal Safety Organisation members.

(3) The members of the Internal Safety Organisation shall enjoy protection against dismissal and any other deterioration of their conditions in the same way as shop stewards and spokesmen within the same or any similar sector.

(4) Disputes concerning the matters mentioned under subsections (1) and (3) above, including questions of what rules to apply and breach of or interpretation of the rules, shall be settled by the normal procedure for settling industrial disputes or, where impossible, by the courts of law.

10. The Minister of Employment may lay down rules requiring that enterprises shall provide expert assistance for the safety activities where this is considered necessary in order to ensure the health and safety of the employees.



Part 3 - General rules

Employer

11. It shall be the duty of the employer to ensure safe and healthy working conditions. Special reference is made to:

1. Part 4 on performance of work,
2. Part 5 on the workplace,
3. Part 6 on technical equipment, and
4. Part 7 on substances and materials.

11 a.-(1) The employer shall ensure the preparation of a written workplace assessment of the safety and health conditions at the workplace, taking due regard to the nature of the work, the work methods and work processes which are applied, as well as the size and organisation of the enterprise. The workplace assessment shall remain at the enterprise and be available to the management and employees at the enterprise, as well as the Working Environment Authority which supervises the workplace assessment. A workplace assessment shall be revised when there are changes in work, work methods, work processes, etc., and these changes are significant for safety and health at work. The workplace assessment shall be revised at least every three years.

(2) A workplace assessment shall include an opinion on the working environment problems at the workplace, and how these are to be solved. The assessment shall include the following elements:

1. Identification and mapping of the working environment conditions at the enterprise.
2. Description and assessment of the working environment problems at the enterprise.
3. Priorities and an action plan to solve the working environment problems at the enterprise.
4. Guidelines for following up the action plan.

(3) The employer shall involve the Internal Safety Organisation or the employees in planning, organising, implementing and following up the workplace assessment, cf. subsections (1) and (2) above.

(4) The Minister of Employment shall lay down further rules on the duties of the employer under subsections (1) to (3) above.

12. It shall be the duty of the employer to ensure that there is effective supervision that work is performed safely and without risks to health.

13.-(1) The employer shall inform the employees of any risks of accidents and diseases which may exist in connection with their work.

(2) Furthermore, the employer shall ensure that the employees receive the necessary training and instruction to perform their work in such a way as to avoid any possibility of risk.

(3) The Minister of Employment may lay down further rules on the duties of the employer under subsections (1) and (2) above.

14. The employer shall ensure that cooperation concerning safety and health in accordance with the provisions of Part 2 can take place and shall participate in such work.

15.-(1) Several employers who have work carried out at the same workplace and all persons

employed at the same workplace shall cooperate to create safe and healthy working conditions for all employees.

(2) The Minister of Employment may lay down further rules on such cooperation.

16.-(1) It shall be the duty of the employer to inform the safety representatives and shop stewards of the employees within the particular sector of any improvement notices in writing given by the Working Environment Authority or the authority or institution mentioned in section 57. The employer shall also have such duty to other representatives and shop stewards who request to be informed of the notices.

(2) If there are no safety representatives or shop stewards at a workplace, the employees shall be informed of the improvement notices given pursuant to subsection (1), 1st sentence, above.

17. At the request of the Working Environment Authority, and whenever the situation calls for it, the employer shall arrange for the carrying out of examinations, tests or surveys, if required with the assistance of experts, to ascertain whether the working conditions are safe and healthy.

17 a.-(1) The employer shall give notification to the Working Environment Authority and shall keep registers according to rules which shall be laid down by the Minister of Employment.

(2) The Director General of the Working Environment Authority may require the employers to submit information for statistical purposes relating to:

1. number, sex, age and health of the employees,
2. machines, machine parts, containers, prefabricated constructions, appliances, tools and other technical equipment,
3. substances and materials, and
4. other matters of importance to the working environment.

(3) Where statistics are published, no names or firms shall be mentioned.

Management at enterprises, etc.

17 b. The provisions of this Act on the duties of the employer also apply to the manager or management of the enterprise.

Supervisor

18. »Supervisor« means a person whose work consists solely or primarily of managing or supervising, on behalf of the employer, the work in an enterprise or any part thereof.

19.-(1) The supervisor shall contribute towards ensuring that the working conditions are safe and healthy within his field of activity. In this connection the supervisor shall check the effectiveness of the measures taken to promote safety and health.

(2) Where a supervisor obtains knowledge of defects or faults which may involve a risk of accidents or diseases, he shall take steps to avert such danger. Where the danger cannot be averted by the supervisor's intervention on the spot, he shall inform the employer hereof without delay.

20. The supervisor shall participate in the cooperation concerning safety and health, cf. Part 2, sections 15 and 31.

Employees

21.-(1) The employees shall cooperate to ensure that the working conditions are safe and without risks to health within their field of activity and shall check the effectiveness of measures taken to promote safety and health.

(2) Where the employees become aware of any defects or faults which may adversely affect safety or health and which they cannot remedy themselves, they shall inform a member of the Safety Group, the supervisor or the employer hereof.

(3) Any person who has to remove a safety device temporarily to perform a job, such as repair work or installation, shall ensure that such device be restored immediately after the performance of the job or that an equally safe protective measure is taken.

22. The employees shall participate in the cooperation concerning safety and health, cf. Part 2.

23.-(1) Persons working at a workplace where several employers have work carried out shall comply with the rules applying to cooperation between enterprises, cf. sections 15 and 31, as well as with the rules applying to the work which they are to perform.

(2) Persons working on the premises of an enterprise other than their employer's enterprise shall comply with the rules on safety and health which apply to that enterprise as well as with the rules applying to the work which they are to perform.

Suppliers, fitters, repair workers and planners, etc.

24.-(1) Any person who supplies, makes available or displays machines, machine parts, containers, prefabricated constructions, appliances, tools, and other technical equipment shall ensure that such articles are provided with the necessary safety devices when supplied, made available or displayed and that they are safe and without risks to safety or health when properly used, cf. Part 6. Adequate and simple instructions for use, maintenance, transportation, and installation shall be made available on delivery.

(2) The same obligations shall apply where technical equipment ready for use is supplied or made available for the purpose of being resold, hired out, or lent.

(3) At the request of the Working Environment Authority, or whenever the situation calls for it, the importer or manufacturer shall arrange for the carrying out of examinations, tests or surveys, if required with the assistance of experts, to ascertain whether the technical equipment is safe and without risks to health.

(4) At the request of the Working Environment Authority, the importer or manufacturer shall provide information on the part of the technical equipment which can be hazardous to safety or health.

25. Any machine which is supplied or displayed in Greenland shall be provided with the name and address of the manufacturer or, as far as imported machines are concerned, with the name and address of the importer, or with any other marking which facilitates identification of the manufacturer or the importer, as the case may be.

26.-(1) Any person whose business it is to install, convert, or recondition technical equipment shall ensure compliance with the safety rules and instructions applying to the equipment concerned.

(2) Where a repair affects only one or a few components of the object under repair, the person performing the repair shall ensure that the safety rules and instructions applying to the components are complied with. Where the repairer while performing his job becomes aware of other defects or faults which may affect safety, he shall inform the owner or user hereof.

27. Any person who delivers a project for technical equipment, production plant, or building or construction work, shall in his project take into account safety and health in connection with the performance of the work and the functioning of the building or plant, etc. when completed. The same shall apply to any person supervising such a project or giving advice on matters concerning the working environment.

27 a.-(1) Any person who invites to tender for supply of services shall in the invitation to tender material ensure that account has been taken with respect to safety and health in the performance of the task. Furthermore, those inviting to tender shall ensure that the tender material contains relevant information on special, significant working environment conditions

connected with the performance of the task, with a view to the person who carries out the task being informed of such matters.

(2) Any person who invites to tender shall furthermore help to ensure that the employer who is awarded the task can execute the task put out to tender appropriately in relation to safety and health matters.

28. The provisions laid down in sections 24, 25, 27, and 29 (2) shall also apply to suppliers, etc. of substances and materials with properties which may involve a risk to safety or health.

29.-(1) The Minister of Employment may lay down further rules on the matters covered by sections 24 to 28.

(2) The rules laid down in sections 24 to 28 do not relieve the user of the duties under this Act.

30. Under special circumstances the Minister of Employment may lay down rules or take decisions which dispense with the requirements under sections 24 to 28. Such decisions may also be made by the Working Environment Authority in individual cases and under special circumstances.

Building owners, etc.

31.-(1) The building owner shall help to enable the employer to carry out the building and construction activities appropriately in relation to safety and health matters.

(2) For building and construction activities of a certain size where several employers are active at the same work site, the building owner shall plan, delineate and coordinate the measures to be taken to promote the safety and health of the employees.

(3) The Minister of Employment shall lay down further rules on the obligations of the building owner under subsection (2) above, including rules on:

1. delineation of the tasks of the individual employers in common areas prior to the commencement of work,
2. preparation of a plan for safety and health prior to the establishment of the construction site,
3. coordination of measures to promote safety and health in common areas while work is in progress, and
4. selection of a coordinator with the necessary knowledge on and special training in safety and health matters to manage the coordination of the safety and health measures at the work site.

(4) The Minister of Employment shall lay down further rules on the obligations of the building owner to notify major building and construction activities to the Working Environment Authority.



Part 4 - Performance of work

32.-(1) The work shall be planned, organised and performed in such a way as to ensure safety and health.

(2) Approved norms and standards of importance to safety or health shall be complied with unless otherwise decided by the Minister of Employment.

33.-(1) The Minister of Employment may lay down further rules on the requirements which shall be complied with in order that the work may be said to have been planned, organised, and performed in such a way as to ensure safety and health, including rules:

1. on prohibition against particularly dangerous work, work processes and work methods,
2. on personal protective equipment and special work clothing,
3. providing that work which may involve substantial risks of accidents or disease, including blasting work, may only be carried out by persons who have obtained a diploma of specific training, or have passed a test, and
4. providing that, where necessary to ensure safety and health, plans for working procedures, work processes and work methods shall be worked out, and that such plans or modifications of such plans shall be submitted for the opinion or approval of the Working Environment Authority before being implemented.

(2) References to norms or standards may be used in such rules, provided they are given unambiguously and include the date of the norm or standard referred to.



Part 5 - Workplace

34.-(1) The workplace shall be in such a condition that it is safe and healthy.

(2) Approved norms and standards of importance to safety or health shall be complied with unless otherwise decided by the Minister of Employment.

35.-(1) The Minister of Employment may lay down rules with regard to the design and fitting out

of permanent, temporary, varying, and outdoor places of work, including rules on special measures in connection with mining industry.

(2) References to norms or standards may be used in such rules, provided they are given unambiguously and include the date of the norm or standard referred to.

(3) Besides, the Minister of Employment may lay down rules providing that:

1. projects, etc. for the building or reconstruction of enterprises shall be submitted to the Working Environment Authority for its opinion before they are implemented,
2. plans for fitting out or altering premises, technical plants, etc. shall be submitted to the Working Environment Authority for its opinion or approval before they are implemented, and that
3. buildings, rooms, premises, etc. shall not be let out or leased for industrial purposes until the question of their suitability for the proposed purpose has been submitted to the Working Environment Authority for its opinion or approval.



Part 6 - Technical equipment

36.-(1) Technical equipment shall be designed and used in such a way that it is safe and without risks to health. The rules on use shall also apply to maintenance, cleaning, repair work and similar.

(2) Approved norms and standards of importance to safety or health shall be complied with unless otherwise decided by the Minister of Employment.

37.-(1) The Minister of Employment may lay down rules on technical equipment, including rules providing that

1. manufacture, import, supply, transfer, display or use of particularly dangerous technical equipment shall be prohibited,
2. plans for construction, manufacture or installation of technical equipment shall be submitted to the Working Environment Authority for its opinion or approval,
3. technical equipment shall be approved by the Working Environment Authority before it is supplied or made available to the user or put to use,
4. technical equipment shall be notified to the Working Environment Authority or be subject to testing or other control inspections, including recurrent inspections, and
5. technical equipment shall be marked so that it is easy to identify the manufacturer or importer or see the technical data, nature and origin of the materials used, as well as approvals, tests or other matters important to health and safety at work.

(2) References to norms or standards may be used in such rules, provided they are given unambiguously and include the date of the norm or standard referred to.



Part 7 - Substances and materials

38.-(1) Substances and materials with properties which can be hazardous to, or in any other way adversely affect, safety or health, may only be produced and used in working processes and methods which effectively protect the employees against accidents and diseases.

(2) Approved norms and standards of importance to safety or health shall be complied with unless otherwise decided by the Minister of Employment.

39.-(1) The Minister of Employment may lay down rules concerning the manufacture, import, storage, transportation and use of substances and materials, including rules on:

1. special labelling of substances and materials used during work, or their packaging,
2. the obligation to perform occupational hygiene air pollution measurements,
3. notification of substances and materials with a duty to state matters important to the assessment of the hazardousness of the substance or material, and
4. instructions for use from suppliers and employers.

(2) The Minister of Employment may lay down further rules prohibiting the manufacture, import, and use of substances and materials which can be hazardous to, or compromise, safety and health.

(3) References to norms or standards may be used in the rules concerning substances and materials, provided they are given unambiguously and include the date of the norm or standard referred to.

(4) The Working Environment Authority shall set limit values for substances and materials and draw up a list of substances and materials considered hazardous to or compromising safety and health.



Part 8 - Rest periods and rest days

40.-(1) The hours of work shall be organised so as to allow a rest period of at least 11 consecutive hours within every period of 24 hours, cf. however, section 45.

(2) The rest period may be reduced to eight hours in the case of:

1. change of shifts in enterprises with several shifts when it is not possible to hold the daily or weekly rest period between the end of the work of one shift and the start of another shift,
2. agricultural work, hunting, fishing, whaling or sealing up to 30 days in any calendar year, cf. however, section 43.

(3) The rules in subsections (1) and (2) above shall not apply to loading and unloading mainly carried out by casual labourers and necessary activities incidental hereto. The Minister of Employment may lay down rules for a minimum rest period before the relevant employee returns to work after completing overtime.

41.-(1) Within each period of seven days, the employees shall have a weekly 24-hour period off which shall be in immediate connection to a daily rest period. The weekly 24-hour period off shall, as far as possible, fall on a Sunday, and, as far as possible, at the same time for all employees at the enterprise.

(2) The rules in subsection (1), 2nd sentence, above do not apply to agriculture, horticulture, hunting, fishing, whaling, and sealing.

(3) For work caring for people, animals, or plants, and for work which is necessary to preserve objects of value, the weekly 24-hour period off may be deferred, when this is necessary for reasons of protection or to ensure continuous provision of services or similar production. The Minister of Employment may lay down further rules on this matter.

42. Where the normal operation of an enterprise is being, or has been, disturbed by acts of nature, accidents, breakdowns of machinery or similar unforeseeable events, the provisions of sections 40 and 41 may be set aside to the necessary extent. The fact that the provisions have been set aside shall be recorded in the inspection book or by any similar documentation.

43. For trades, sectors, or special types of work, where special conditions make it necessary, the Minister of Employment may lay down rules concerning:

1. the daily rest period, including concerning reductions in the daily rest period to eight hours, and concerning the timing of the rest period, and
2. the weekly 24-hour period off, including adjustments to the 24-hour period off.

44. Sections 40 and 41 shall apply to persons in senior positions and to representatives and agents working outside the permanent premises of the enterprise only to the extent laid down by the Minister of Employment.

45. The Minister of Employment may lay down rules concerning the conditions under which sections 40 and 41 may be departed from by agreement.

45 a. In situations where there are variations to rules under sections 40 to 45, corresponding compensatory rest periods or 24-hour periods off shall be provided, or appropriate protection shall be provided in exceptional circumstances of such a nature that it is not possible to provide compensatory rest periods or 24-hour periods off. The Minister of Employment may lay down that the 1st sentence above does not apply to persons in senior positions.

45 b. The Minister of Employment may lay down rules concerning reduced working hours in respect of work which may involve a special risk to safety and health.

45 c. The rules laid down in pursuance of sections 43 and 45 b may apply to any person who is a driver or a member of the crew of a vehicle, including persons who are not engaged in work for an employer.



Part 9 - Young persons under the age of 18

45 d. The rules in this Part shall apply to work performed by young persons under the age of 18 for an employer, including work which is mentioned in section 2 (2) (1) and (2).

46.-(1) For the employment of young persons under the age of 18, planning, organisation and performance of work shall take account of the age, health and the physical and mental development of the young person, as well as the work's effect on schooling or other education.

(2) Young persons who are under the age of 15, or who are subject to compulsory education, shall not perform work, cf. however, subsections (4) to (6) below.

(3) The Minister of Employment may lay down further rules concerning employment of young persons, including fixing a higher age limit than 15 years for specific types of work with a view to ensuring that work can be performed in a safe and healthy manner. Special rules may be laid down for young people receiving education.

(4) The Minister of Employment may lay down rules providing that occasional or short-term work which is either performed in the private household of the employer, or exclusively by members of the employer's family who belong to the household, are exempt from the provisions of subsection

(2) above and sections 47 and 48, subject to other conditions and restrictions which may exist. Such work shall not involve danger to the safety or health of the young person.

(5) By stating conditions and restrictions, the Minister of Employment may lay down derogations from the age limits provided for in subsection (3) above for young persons who are members of the family or household of the employer.

(6) The Minister of Employment may also lay down rules providing that:

1. young persons who have reached the age of 13 years may undertake light duties within limited types of work, and under specific conditions and restrictions,
2. the prohibitions in subsection (2) above and section 47 may be departed from for young persons who have reached the age of 14 years and who carry out work which forms part of their education course or substitutes the statutory education,
3. the prohibitions in subsection (2) above and sections 47 and 48 may, under specific conditions and restrictions, be departed from in respect of young persons taking part in performances, etc. of a cultural or artistic nature, sports events, or film making, or similar provided that permission has been obtained in each case for young persons under the age of 13 years, and
4. the prohibitions in subsection (2) above and sections 47 and 48 may, under specific conditions and restrictions, be departed from in respect of young persons taking part in hunting, fishing, whaling, and sealing.

(7) When employing young persons under the age of 15 years or young persons who are receiving compulsory education, the employer shall inform the young person's parents or guardians of the employment, including working hours, and risks of disease or accidents which may be connected with the work as well as measures implemented concerning safety and health.

47.-(1) The hours of work for young persons under the age of 18 must not exceed the normal working hours for adults employed in the same sector and must not exceed eight hours per 24-hour period and 40 hours per week.

(2) Daily working hours for young persons under the age of 15 years, or young persons subject to compulsory education, must not exceed two hours on school days, and seven hours on other days than school days. However, young persons who have reached 15 years, but who are subject to compulsory education, may work eight hours on days which are not school days. The total working hours per week may not exceed 12 hours in weeks with school days, and 35 hours in weeks other than school weeks. However, young persons who have reached 15 years, but who are still subject to compulsory education may work 40 hours in weeks other than school weeks. Children who are under 15 years, but who are no longer subject to compulsory education may not work for more than seven hours per day and 35 hours per week.

(3) If daily working hours exceed 4½ hours, young persons under 18 years shall have a rest period of at least 30 minutes. Such rest period shall be at an appropriate time, and, if possible, continuous.

(4) Young persons under the age of 18 shall not work between the hours of 8.00pm and 6.00am.

(5) The Minister of Employment may lay down special rules

1. concerning the organisation and calculation of working hours in cases where young persons work as part of an education course, or where young persons work for more than one employer,
2. concerning the extent to which subsection (1) above may be departed from for young persons who have reached the age of 15 years and who are no longer subject to compulsory education,
3. providing that young persons who are subject to compulsory education shall have a period in the school holidays which is entirely free of work, and
4. providing that the provisions of subsection (4) above may be departed from for trades or sectors in situations where circumstances make it necessary or desirable for young persons who have reached the age of 15 years, and who are no longer subject to compulsory education. However, the young person must under no circumstances work between the hours of 12.00pm and 4.00am.

48.-(1) Young persons under 18 years shall be allowed a rest period of at least 12 consecutive hours during a period of 24 hours. Young persons under 15 years, or young persons who are subject to compulsory education, shall be allowed a rest period of at least 14 consecutive hours during a period of 24 hours.

(2) Within each seven-day period, young persons under 18 years shall be allowed two consecutive 24-hour periods off. If it is not possible to place the two 24-hour periods off consecutively, one 24-hour period off shall be immediately before or after a daily rest period. One of these 24-hour periods off shall, as far as possible, be a Sunday.

(3) For trades or sectors, or special types of work, in situations where circumstances make it necessary or desirable, the Minister of Employment may lay down special rules concerning:

1. the duration of the rest period for young persons who have reached the age of 15 years and who are no longer subject to compulsory education, when the young person is allowed a compensatory rest period,
2. postponement of a 24-hour period off for young persons who have reached the age of 15 years and who are no longer subject to compulsory education, when the young person is allowed a compensatory 24-hour period off,
3. interruption of a rest period,

4. restriction of 24-hour periods off, although the young person shall always be allowed no less than 36 consecutive hours off within each period of seven days.

48 a. The Minister of Employment may also lay down rules concerning derogations from section 47 (1), (3) and (4) in the circumstances mentioned in section 42 for young persons who have reached the age of 15 years and who are no longer subject to compulsory education.



Part 10 - Medical examinations, etc.

49.-(1) In respect of enterprises, trades, sectors or groups of employees whose work involves a risk to the health of the employees, the Minister of Employment may together with the Greenland Home Rule Government lay down rules requiring:

1. medical examination of the employees before they are employed, during their employment and after the termination of their employment - if necessary, at regular intervals, and
2. regular or individual examinations or surveys of health conditions from the point of view of occupational medicine, occupational hygiene, etc.

(2) The Minister of Employment may lay down rules concerning similar examinations to assess whether a particular activity may involve risks to health.

(3) The costs in connection with such examinations shall be paid by the employer or the State according to rules laid down by the Minister of Employment.

(4) The employer shall ensure that the examination can take place without loss of earnings for the employees and, if possible, within normal working hours.

(5) The Minister of Employment may lay down rules providing that employees and former employees shall be under an obligation to undergo examination.

49 a.-(1) The Minister of Employment may lay down special rules concerning medical examinations of young persons under the age of 18 with a view to their entering employment. The provisions of section 49 (3) to (5) shall be correspondingly applicable.

(2) The rules may provide that a school doctor shall make a medical certificate on the basis of an examination arranged before the pupil leaves school stating whether the pupil is or has been suffering from diseases which may influence the pupil's safety and health in the course of employment. Similar rules may be laid down for young persons under the age of 18 receiving vocational training.

(3) Furthermore, the rules may require that the employers on engaging a young person under the age of 18 shall satisfy themselves that the work for which the young person is employed is compatible with such person's health.



Part 11 - Working Environment Council, etc.

50.-(1) A Greenland Working Environment Council shall be established for the purpose of giving the workers' and employers' organisations contributory influence on the work to ensure a safe and healthy working environment. The Council shall have the following assignments:

1. The Council shall contribute towards disseminating information on health and safety issues.
2. The Council shall on its own initiative discuss matters which it finds to be of importance to the working environment and shall give its opinion on such matters to the Minister of Employment, the Greenland Home Rule Government, and the Working Environment Authority.
3. The Council shall submit opinions on and proposals for amendments to acts and new rules as well as on specific matters submitted by the Minister of Employment, the Greenland Home Rule Government, and the Working Environment Authority to the Council.
4. The opinion of the Council shall be obtained before any decision is made on appeals lodged pursuant to section 64.

(2) The Council may set up working committees and appoint members for such committees, also from outside the Council itself.

(3) The Council may procure expert opinions and initiate inquiries for the purpose of its work.

(4) The Minister of Employment shall approve the rules of procedure of the Council.

51.-(1) The Working Environment Council shall consist of a chairman appointed by the Home Rule Government subject to opinions obtained from labour and management and the following other members:

1. Two members appointed by the Greenland Trade Union Federation (Sulinermik Inuussutissarsiuqartut Kattuffiat - SIK).
2. One member jointly appointed by the Pre-School Teachers Union (Perorsaasut Ilinniarsimasut Peqatigiiffiat - PIP), the Nurses Union (Peqqissaasut Kattuffiat - PK)

and the Teachers Union in Greenland (Ilinniarsimasut Meeqqat Atuarfianneersut Kattuffiat - IMAK).

3. One member jointly appointed by the Public Servants Association (Atorfillit Kattuffiat - AK) and the Confederation of Professional Associations in Greenland (Ilinniagartuut Kattuffiat - ASG).
4. One member appointed by the Association of Supervisory Staffs in Greenland (Sulisunik Siulersuisut Kattuffiat - SSK).
5. One member appointed by the Greenland Employers' Association (Kalaallit Nunaanni Sulisitsisut Peqatigiiffiat - GA).
6. One member appointed by the Association of Local Authorities in Greenland (KANUKOKA).
7. One member appointed by the Landsstyre (the Greenland executive) in consultation with the Danish Ministry of Finance.

(2) The organisations shall appoint a proxy for each representative.

(3) The chairman and the other members of the Council, as well as their proxies, shall be appointed for a term of four years, and they may be reappointed. In cases where a member is appointed during a four-year term, the appointment shall only apply until the expiry of that term.

(4) Decisions of the Working Environment Council shall be adopted by simple majority amongst members in attendance. In cases where voting is equal, the chairman shall have the casting vote.

(5) Technical and medical experts may, as required, be appointed as advisers to the Council.

(6) The Working Environment Authority may attend the meetings of the Council with a representative, but without voting rights, and acts as secretariat for the Council.

52. (Repealed)

53.-(1) The Minister of Employment may provide support for information and education concerning the working environment in Greenland.

(2) The Minister of Employment may lay down rules on the administration of such support.



Part 12 - Working Environment Authority

54.-(1) The Minister of Employment shall be the supreme administrative authority in matters concerning the working environment in Greenland.

(2) The Director General of the Working Environment Authority shall determine the number of regional inspectorates in Greenland and the division of responsibilities between the inspectorates.

55. In matters concerning the working environment in Greenland, it shall be the duty of the Working Environment Authority:

1. to advise enterprises, workers' and employers' organisations and the public in all matters concerning the working environment,
2. to assist the Ministry of Employment in working out rules under this Act,
3. to issue rules under the authority of the Minister of Employment,
4. to be informed of technical and social developments with a view to improving the activities to promote safety and health in the working environment,
5. to examine plans for working processes, workplaces, technical equipment etc., and substances and materials and issue licences under this Act or administrative orders, and
6. to ensure that this Act and the rules laid down under the provisions of this Act are complied with.

56. The Minister of Employment may authorise the Director General of the Working Environment Authority to exercise powers which have been conferred upon the Minister of Employment by this Act.

57.-(1) The Minister of Employment may direct that the activities of the Working Environment Authority, to a specified degree, shall be transferred to another public authority or a private institution, and to what extent the Working Environment Authority shall supervise such inspection activities.

(2) The Minister of Employment may lay down rules concerning the acceptance of tests and other documentation to prove that instructions on safety and health have been complied with.

(3) The Minister of Employment may lay down rules on the payment, possibly in the form of charges according to a fixed rate, for enquiries etc. carried out or commissioned by the Working Environment Authority.

57a.-(1) The Minister for Employment may lay down regulations on fees, including on collection and payment by employers, to cover in part costs incurred by the Working Environment Authority for holding health and safety training.

(2) The fee shall be adjusted every year in accordance with increases in the general prices and pay index in the finance act for the relevant year.

58.-(1) The Minister of Employment may lay down rules making it a duty to give notification of industrial accidents, cases of poisoning, occupational diseases and other matters of importance to the working environment.

(2) Any person who, in the course of public service or in the performance of a public function, obtains knowledge of matters which are in contravention of this Act or rules issued in pursuance of this Act shall inform the Working Environment Authority.

(3) Any physician who finds, or has a suspicion, that a person has been exposed to harmful influences at his workplace shall notify such cases to the Working Environment Authority. The Minister of Employment may lay down rules in this respect.

59.-(1) Any person who is subject to obligations under this Act shall, on request, provide the Working Environment Authority with all information necessary for the performance of its work.

(2) The staff of the Working Environment Authority shall, without a court order, but on production of proper identification, have access to public and private workplaces, cf. however subsection (3) below, to the extent required to enable them to execute their duties. The police shall provide the necessary assistance. Further rules for such assistance may be laid down by the Minister of Employment after consultation with the Minister of Justice.

(3) Subsection (2) above shall not apply to inspection by the Working Environment Authority of work of a non-commercial nature carried out by persons at their private residence, holiday residence, vehicle, leisure vessel, and other property or items belonging to the household. The Minister of Employment may, however, lay down that the Working Environment Authority may continue to carry out inspection and supervision of elevators and other lifting equipment as well as pressure-bearing equipment without a court order.

(4) The staff of the Working Environment Authority may, in performance of its work, without a court order demand presentation of all available documentation, including taking photographs and similar, and taking samples for further analysis or examination. The employer, or the employer's representative, shall be informed of such action, cf. sections 17 b and 18.

60.-(1) The Working Environment Authority may direct that matters which are in contravention of this Act, or in contravention of rules or decisions in pursuance of this Act, be remedied immediately or within a specified period.

(2) Where the Working Environment Authority finds it necessary in order to avert an imminent serious risk to the safety or health of the employees or any other persons, it may direct that the risk be eliminated immediately and in this connection direct:

1. that those present shall leave the danger zone immediately,

2. that the use of a machine, machine part, container, prefabricated construction, appliance, tool, or other technical equipment, or a substance or material shall be discontinued, or
3. that work as such shall be discontinued.

(3) The Director General of the Working Environment Authority may direct that any person who has supplied or marketed technical equipment or personal protective equipment or a substance or material which turns out to present a risk to safety and health, despite being utilised in accordance with its relevant instructions, shall take the necessary measures to remedy the matter. In this connection the Director General may direct:

1. that supply or marketing be discontinued, and
2. that the relevant technical equipment, personal protective equipment, substance or material be withdrawn from the market.

61.-(1) The Minister of Employment may lay down rules providing for the keeping, at the place of work, of an inspection book or other similar documentation of the inspections, improvement notices and other communications from the Working Environment Authority concerning matters related to the working environment, and for the use and keeping of such inspection book or documentation.

(2) The employer shall comply with the verification requirements concerning written improvement notices, etc. within the time limit specified by the Working Environment Authority.

62.-(1) Authorities and persons performing functions in pursuance of Parts 10 to 12, as well as any person providing assistance in such functions, are subject to a duty of silence in accordance with section 29 of the Greenland Criminal Code.

(2) The staff of the Working Environment Authority shall not disclose to an employer or an employer's representative the fact that an inspection is carried out as a result of a complaint.

63. After consultation with the Landsstyre (Greenland executive) or the appropriate minister, the Minister of Employment may lay down rules concerning the cooperation between the Working Environment Authority and other public authorities.



Part 13 - Right of appeal

64.-(1) The decisions of the Working Environment Authority may be appealed to the Minister of Employment within six weeks after the decision was notified to the person concerned.

(2) The appeal is to be submitted to the Working Environment Authority. If the Working Environment Authority upholds the appeal, the appeal shall be forwarded to the Minister of Employment.

(3) The submission of an appeal within the period allowed shall have the effect of suspending the decision until the Minister of Employment makes a decision or disposes of the appeal otherwise. Appeals against decisions under section 60 (1), which shall be remedied immediately as well as decisions under section 60 (2) and (3) shall not act as a stay of execution.

(4) Under special circumstances the Minister of Employment may hear an appeal and grant stay of execution, although it has not been brought within the period mentioned in (1) above.

(5) The opinion of the Working Environment Council shall be obtained before the Minister of Employment makes any decision on an appeal.

Part 14 - Criminal law sanctions

65.-(1) Anyone who

1. contravenes sections 11, 11 a (1) to (3), 12, 13 (1) and (2), sections 14 to 17, section 19 to 28, section 31 (1) and (2), section 32 (1), section 34 (1), section 36 (1), section 38 (1), section 58 (2) and (3), section 59 (1), and section 61 (2),
2. allows work to be carried out in contravention of Parts 8 and 9, manages or supervises such work, or carries out work in contravention of Part 8,
3. fails to comply with notices under section 60, or
4. fails to submit information under section 17a (2)

shall be subject to sanctions pursuant to the Greenland Criminal Code.

(2) For setting penalties for an offence in criminal law pursuant to subsection (1), it shall be considered significant aggravating circumstances if the contravention has caused an accident resulting in serious personal injury or death.

(3) For setting penalties for an offence in criminal law pursuant to subsection (1), no. 1, it shall, insofar as the employer has discharged his duties pursuant to Part 3 of this Act, be considered aggravating circumstances that employees intentionally, or with gross negligence, contravene the legislative requirements concerning

1. use of personal protective equipment,
2. use of extraction and ventilation measures,
3. use of protective equipment or safety measures, or

4. use of safe working methods.

(4) Apart from the cases mentioned in subsection (3), when setting penalties for an offence in criminal law under subsections (1) and (2), the following shall be considered aggravating circumstances:

1. that the contravention was committed intentionally or with gross negligence,
2. that the contravention has caused loss of life or injury or brought about danger of such, without the contravention being covered by subsection (2),
3. that an improvement notice under section 60(1) or (2) has previously been issued for the same or similar conditions, or
4. that the contravention has resulted in, or was intended to result in, financial benefit for the person in question or another person.

(5) Specially aggravating circumstances shall apply when young persons under the age of 18 are subject to loss of life or injury, or brought into danger of such, cf. subsection (4), no. 2.

(6) If the benefits acquired through the contravention are not confiscated, fines and supplementary fines shall be set which take special account of the size of the benefits which were acquired or which were intended to be acquired.

(7) Section 13 of the Greenland Criminal Code concerning complicity shall apply to the liability to criminal penalty referred to in subsections (1) and (2).

(8) The time limits for liability under criminal law shall be five years for contravention of sections 24-28, and for contravention of the regulations issued in pursuance of section 29.

66.-(1) For contravention of sections 11, 11 a (1) to (3), 12, 32 (1), 34 (1), 36 (1), and 38 (1) and the offences stated in section 65 (1) (2) and (3) an employer may be liable to pay a fine even if he has not acted intentionally or negligently, cf. however, subsection (3). The liability to pay a fine shall be on condition that the violation can be ascribed to one or more persons associated with the enterprise or the enterprise per se. Section 91 (4) of the Greenland Criminal Code shall not apply to liability to pay a fine pursuant to this provision.

(2) When setting the fine, section 65 (2), (4) and (5) shall be applied.

(3) Insofar as the employer has discharged his duties pursuant to Part 3 of this Act, the employer may not be made liable to an offence in criminal law, if employees contravene the legislative requirements concerning

1. use of personal protective equipment,
2. use of extraction and ventilation measures,

3. use of protective equipment or safety measures, or
4. use of safe working methods.

67. Rules made in pursuance of this Act may provide for sanctions under the Greenland Criminal Code in respect of contravention of provisions and improvement or prohibition notices issued in pursuance of the rules. Furthermore, it may be laid down that an employer is responsible for contravention of rules, improvement or prohibition notices as mentioned above even if he has not acted intentionally or negligently. The liability to pay a fine shall be on condition that the violation can be ascribed to one or more persons associated with the enterprise or the enterprise per se. Section 91 (4) of the Greenland Criminal Code shall not apply to such liability to pay a fine.

67 a. Sanctions under the Greenland Criminal Code may not be imposed on managers etc. pursuant to section 66 (1), 1st sentence, and section 67, 2nd sentence, cf. section 17 b.

68. Companies, etc. (legal persons) may incur criminal liability according to the regulations in chapter 5 of the Criminal Code. Section 66(3) shall apply correspondingly.

69. Where young persons under the age of 18 are employed in contravention of the provisions of this Act or any rules laid down in pursuance of this Act, the parents or guardian may be liable to pay a fine if the work has been carried out with their knowledge.

69 a. In sentences ordering someone to fulfil an obligation under this Act, an ongoing fine accruing to the Treasury can be imposed as a coercive measure.

70. Cases shall be tried by the Greenland High Court as the court of first instance.



Part 15 - Entry into force and transitional provisions

71. This Act shall enter into force on 1 July 1986.

72.-(1) Act No. 225 of 19 May 1971 on the Health and Safety at Work in Greenland shall be repealed.

(2) The following rules laid down pursuant to the act referred to in subsection (1) above shall remain in force with the amendments provided for in this Act, until they are repealed or replaced by provisions laid down under this Act:

1. Executive Order No. 148 of 18 April 1972 for Greenland on Steam Boiler Plants on Land.
2. Executive Order No. 149 of 18 April 1972 for Greenland on Transportable Containers for Compressed, Liquefied Gases or Gases Dissolved under Pressure.
3. Executive Order No. 151 of 18 April 1972 for Greenland on the Erection and Use of Mechanically Driven Cranes, Tackles and similar.
4. Executive Order No. 152 of 18 April 1972 for Greenland on Hazardous Work Carried Out by Young Persons.
5. Executive Order No. 155 of 18 April 1972 for Greenland on Pressure Tanks, etc. on land.
6. Omitted.
7. Circular No. 181 of 27 August 1974 issued by the Ministry of Employment on Cooperation between the Police and the Working Environment Authority in Greenland.

(3) Contravention of the provisions which remain in force under subsection (2) above may be punishable by fine. Sections 66 and 68 to 70 shall be correspondingly applicable.

Act No. 193 of 26 March contains the following provisions in section 4:

4.

This Act shall enter into force on 1 April 1991.

Act No. 321 of 18 May 2005 contains the following provisions in section 2:

2.-(1) This Act shall enter into force on 1 January 2006, cf. however subsections (2) to (4).

(2) Section 11 a shall enter into force on 1 January 2008 for employers who are under an obligation to organise the health and safety activities. The Minister of Employment may - after consultation with the Greenland Home Rule Government - decide from which date this provision shall enter into force for other employers.

(3) The provision laid down in section 46 (7) shall be effective for employments entered into after the commencement of this Act.

(4) The following shall apply to appeals against decisions made pursuant to this Act which are under consideration on 1 January 2006:

1. The Working Environment Authority shall decide on cases in which an appeal has been submitted to the Director General of the Working Environment Authority. The decision made by the Working Environment Authority may be appealed to the Minister of Employment, cf. section 64.

2. The Greenland Working Environment Council shall be consulted with respect to decisions made by the Minister of Employment after the entry into force of the Act, cf. section 64.

Act No. 1382 of 23 December 2012 contains the following provisions in section 2

2

This Act shall enter into force on 1 January 2013

(2) Section 1, nos. 10-14 shall apply for contraventions committed after the entry into force of this Act.

The Ministry of Employment, 26 October 2005

Claus Hjort Frederiksen/Lis Gamborg