

Medical Examinations and Health Surveillance

Health and safety laws place a requirement on employers to consider whether health surveillance of some or all employees is necessary or appropriate. That decision should be based on an assessment of the actual risks in the workplace, and how they should be avoided or controlled. It must be stressed that health surveillance in itself does not deal with the root problem; it is only a means of detecting harmful effects after they have occurred. Greater emphasis should always be placed on avoiding risks, controlling risks at source, and monitoring control measures to make sure they are working, rather than relying on monitoring people's health.

Assessment of work

Employers should consider the value of health surveillance procedures when an assessment of the work shows the following criteria apply.

- (a) there is an identifiable disease or adverse health conditions related to the work concerned;
- (b) valid techniques are available to detect indications of the disease or condition;
- (c) there is a reasonable likelihood that the disease or condition may occur under the pertaining conditions of work; and
- (d) surveillance is likely to further the protection of the health of the employees concerned.

The primary benefit and therefore the objective, of health surveillance should be to detect health effects at an early stage, thereby enabling further harm to be prevented.

There are many instances when health surveillance can be of benefit, and may indeed be advocated by the Union. For example, GPMU policy supports the inclusion in all agreements covering the Union's membership, the right to in-plant health screening, in particular covering cancer screening and any health hazards that are related to specific sections of the industry.

However, health surveillance could also present serious implications in terms of restriction of employment and screening out of members from certain types of work.

In some cases, because of certain health conditions, it may sometimes be in the best interests of members not to undertake specific tasks. Therefore we need to ensure in all cases that medical examinations or health surveillance are not used to the detriment of members.

GPMU Rules

GPMU Rules deal with the approach of the Union to medical examinations. They state that:-

"No member shall submit to be medically examined by the employers' representatives except by permission of the Branch Committee, unless such examination is part of the employers' arrangement for promoting and

developing measures to ensure the health and safety at work of their employees, subject to adequate safeguards being obtained from the employer in respect of guarantees in the continuity of employment of the member".

Consultation

In order to apply this rule, Chapels and Branches will need to make judgements about the employers' arrangements and intentions. Therefore, any medical examinations, including pre-employment medical examinations, blood tests, eye tests, hearing tests (audiometry), lung function tests etc. should only take place after full consultation and agreement between the Chapel and the employer. If there is concern that proposed examinations do not meet the GPMU criteria, then the matter should be referred to the Branch.

In reaching agreement with the company, the following advice and safeguards should be sought:-

Purpose of Examination

There should be written justification for carrying out the proposed examination and/or tests. The testing procedure and the reasons for performing it should be explained. If a member has to reach a certain standard in order to qualify for certain employment, the standard should be explained and it should be established that this is a recognised or appropriate standard.

If in doubt, advice should be sought from EMAS who have standards covering a wide number of occupational health problems (Medical Series Guidance Notes and CEMA's Notes of Guidance). EMAS are obliged to give advice to employees or potential employees under Section 55 of the Health and Safety at Work Act.

Safeguards on Continuity of Employment

There should be written agreement on the procedures to be followed when a member fails to reach the standard. These procedures should be designed to protect the continuity of employment of the member involved.

Suitability of Medical Personnel

Where specific examinations are involved, the doctor's knowledge and expertise in these areas should be established and they should be aware of the workplace conditions. When health monitoring is involved, if this is to be carried out by a nurse or other person, the suitability of their qualifications should be established. In such cases, there is also the need to establish who will be responsible for interpreting the results and to ensure that person is suitably qualified.

Confidentiality of Records

Before examinations or tests take place, it should be clearly established in what form the results will be presented and who will receive them.

If the medical records are to be held by the occupational health nurse or company medical officer, no-one else should have access to the records. Any further access to records should only be allowed following the written permission of the member involved.

This is the recommendation of the BMA, who further state that if a doctor leaves the company they should either hand the records over to the new doctor or retain them. Where the doctor or nurse are employed by the company, the amount of information to be passed on to management should be established and should amount to no more than an opinion as to the person's suitability to carry out the designated job.

Epidemiology

Many work-related diseases do not develop until long after exposure has occurred.

We should therefore seek agreement that medical records, together with details of occupational exposure, should be maintained by the company medical officer or occupational health nurse for an appropriate number of years, depending on the type of exposure. Such records should be maintained even if the member leaves or retires.

Under the COSHH Regs, health records must be kept for at least 40 years from the date of the last entry.

Information

Where medical examinations are required by the company as part of the control of specific hazards, members should be informed in advance of the hazards, of the possible medical effects and the symptoms.

The type of medical examination and the reasons for it should be clearly explained.

Environmental Control

Medical examinations should only be one part of any company's arrangements for ensuring the health and safety of their employees.

Therefore, any agreements for our members to undergo medical or biological surveillance should be coupled with an agreement from the company to control chemical and physical contaminants in the workplace, to eliminate or substitute toxic substances where possible, or control them by enclosure or by efficient ventilation techniques.

Where appropriate, there should also be a comprehensive programme of environmental measurement to define levels of exposure.

Statutory Medical Examinations

Some members may do work which is covered by Regulations requiring them to undergo statutory medical examination. They therefore have a legal duty to attend such examinations.

The employer will be informed by the medical examiner of the fitness of the member to continue the specific work. If passed unfit, the employer cannot legally continue to employ the member in that particular work.