



WIETA				
	Code Principle	Safe and Healthy Work Environment	Date	April 2016
	Subject	HCS Medicals	Internal Ref	03..04(g)
	Legal reference	Regulations for Hazardous Chemical Substances		

Legal requirement pertaining to medical evaluations for staff exposed to hazardous chemical substances

Regulation 7 of the Regulations for Hazardous Chemical Substances - Medical Surveillance

- (1) An employer shall ensure that an employee is under medical surveillance if—
 - (a) the employee may be exposed to a substance listed in Table 3 of Annexure 1;
 - (b) the exposure of the employee to any substance hazardous to his or her health is such that an identifiable disease or adverse effect to his or her health may be related to the exposure, there is a reasonable likelihood that the disease or effect may occur under the particular conditions of his or her work and there are techniques to diagnose indications of the disease or the effect as far as is reasonably practicable; or
 - (c) the occupational health practitioner recommends that the relevant employee should be under medical surveillance in which case the employer may call on an occupational medicine practitioner to ratify the appropriateness of such recommendation .

- (2) In order to comply with the provisions of subregulation (1), the employer shall, as far as is reasonably practicable, ensure—
 - (a) that an initial health evaluation is carried out by an occupational health practitioner immediately before or within 14 days after a person commences employment, where any exposure exists or may exist, which comprises—
 - (i) an evaluation of the employee's medical and occupational history;
 - (ii) a physical examination; and
 - (iii) any other essential examination which in the opinion of the occupational health practitioner is desirable in order to enable the practitioner to do a proper evaluation.

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- (b) that subsequent to the initial health evaluation contemplated in paragraph (a), the relevant employee undergoes examinations as contemplated in paragraph (a) (ii) and (iii), at intervals not exceeding two years, or at intervals specified by an occupational medicine practitioner.
- (3) An employer shall not permit an employee who has been certified unfit for work by an occupational medicine practitioner to work in a workplace or part of a workplace in which he or she would be exposed: Provided that the relevant employee may be permitted to return to work which will expose him or her if he or she is certified fit for that work beforehand by an occupational medicine practitioner.
- (4) The employer shall record and investigate the incident contemplated in subregulation (3) in compliance with regulation 8 of the General Administrative Regulations.

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