
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 33

**Control of Asbestos at Work
Regulations (Northern Ireland) 2003**

Health records and medical surveillance

21.—(1) Every employer shall ensure that—

- (a) a health record containing particulars approved by the Executive relating to each of his employees who is exposed to asbestos is maintained unless the exposure of that employee does not exceed the action level; and
- (b) that record or a copy thereof is kept available in a suitable form for at least 40 years from the date of the last entry made in it.

(2) Every employer shall ensure that each of his employees who is exposed to asbestos is under adequate medical surveillance by a relevant doctor unless the exposure of that employee does not exceed the action level.

(3) The medical surveillance required by paragraph (2) shall include—

- (a) a medical examination not more than 2 years before the beginning of such exposure; and
- (b) periodic medical examinations at intervals of not more than 2 years or such shorter time as the relevant doctor may require while such exposure continues, and

each such medical examination shall include a specific examination of the chest.

(4) Where an employee has been examined in accordance with paragraph (3), the relevant doctor shall issue a certificate to the employer and employee stating—

- (a) that the employee has been so examined; and
- (b) the date of the examination,

and the employer shall keep that certificate or a copy thereof for at least 40 years from the date on which it was issued.

(5) An employee to whom this regulation applies shall, when required by his employer and at the cost of the employer, present himself during his working hours for such examination and tests as may be required for the purposes of paragraph (3) and shall furnish the relevant doctor with such information concerning his health as the relevant doctor may reasonably require.

(6) Where, for the purpose of carrying out his functions under these Regulations, a relevant doctor requires to inspect any record kept for the purposes of these Regulations, the employer shall permit him to do so.

(7) Where medical surveillance is carried out on the premises of the employer, the employer shall ensure that suitable facilities are made available for the purpose.

(8) The employer shall—

- (a) on reasonable notice being given, allow an employee access to his personal health record;
- (b) provide the Executive with copies of such personal health records as the Executive may require; and

- (c) if he ceases to trade, notify the Executive forthwith in writing and make available to the Executive all personal health records kept by him.
- (9) Where, as a result of medical surveillance, an employee is found to have an identifiable disease or adverse health effect which is considered by a relevant doctor to be the result of exposure to asbestos at work the employer of that employee shall—
 - (a) ensure that a suitable person informs the employee accordingly and provides the employee with information and advice regarding further medical surveillance;
 - (b) review the risk assessment;
 - (c) review any measure taken to comply with regulation 10, taking into account any advice given by a relevant doctor or by the Executive;
 - (d) consider assigning the employee to alternative work where there is no risk of further exposure to asbestos, taking into account any advice given by a relevant doctor; and
 - (e) provide for a review of the health of every other employee who has been similarly exposed, including a medical examination (which shall include a specific examination of the chest) where such an examination is recommended by a relevant doctor or by the Executive.