
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 281

Control of Lead at Work Regulations (Northern Ireland) 1998

Medical surveillance

10.—(1) Every employer shall ensure that each of his employees who is or is liable to be exposed to lead is under suitable medical surveillance by a relevant doctor where—

- (a) the exposure of the employee to lead is, or is liable to be, significant; or
- (b) a relevant doctor certifies that the employee should be under such medical surveillance.

(2) Medical surveillance required by paragraph (1) shall be carried out at such intervals and in accordance with such provisions as are set out in Schedule 2.

(3) The employer shall ensure that an adequate health record in respect of each of his employees to whom paragraph (1) applies is made and maintained and that the record or a copy thereof is kept in a suitable form for at least 40 years from the date of the last entry made in it.

(4) Where the blood-lead concentration for any employee equals or exceeds the appropriate action level, the employer shall take steps to determine the reason or reasons for the high level of lead in blood and shall, so far as is reasonably practicable, give effect to measures designed to reduce the blood-lead concentration of that employee to a level below the appropriate action level.

(5) Where a relevant doctor has certified by an entry in the health record of any employee that in his professional opinion that employee should not be engaged in work which exposes the employee to lead or that the employee should only be so engaged under conditions specified in the record, the employer shall not permit the employee to be engaged in work which exposes that employee to lead except in accordance with the conditions, if any, specified in the health record, unless that entry has been cancelled by a relevant doctor.

(6) 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.

(7) 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 medical surveillance procedures as may be required for the purposes of paragraph (1) and shall furnish the relevant doctor with such information concerning his health as the relevant doctor may reasonably require.

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

(9) The employer shall ensure that in respect of each female employee whose exposure to lead is or is liable to be significant an entry is made in the health record of that employee by a relevant doctor as to whether or not that employee is of reproductive capacity.

(10) Where an employee or an employer is aggrieved by a decision recorded in the health record by a relevant doctor—

- (a) under paragraph (5) that an employee should not be engaged in work which exposes that employee to lead (or which imposes conditions on such work); or
- (b) under paragraph (9) that a female employee is of reproductive capacity,

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the employee or employer may, by an application in writing to the Department within 28 days of the date upon which the decision was notified to the employee or the employer as the case may be, apply for that decision to be reviewed in accordance with a procedure approved for the purposes of this paragraph, and the result of that review shall be notified to the employee and employer and entered in the health record in accordance with the approved procedure.