

# OCCUPATIONAL ILLNESS: A 7-Step Medical Monitoring Compliance Plan



In many cases, when workers are exposed to a hazard on the job, its impact on their health or safety is immediately clear. For example, a worker exposed to a pinchpoint may suffer a broken hand or amputated fingers. But for other hazards, especially certain hazardous substances, the impacts may not be seen immediately or even for several years. And by the time the impact is apparent, it may be too late to eliminate or reduce the affects. The best example of this kind of hazard is asbestos. To prevent workers from getting sick due to exposure to such hazards, the OHS laws may require employers to implement medical monitoring programs in which workers are regularly examined to catch any health impacts as soon as possible. So here's a plan containing seven steps to help you comply with the requirements for such programs.

## DEFINING OUR TERMS

This article discusses the requirements for medical monitoring programs in the OHS regulations (also called health monitoring, medical or health surveillance or health assessments). Although hearing conservation programs are arguably a specialized type of medical monitoring program, this article doesn't address those specific programs. For information on the requirements for hearing conservation programs and related tools, see '[Noise Control: How to Develop](#)

[a Compliant Hearing Conservation Plan](#), ' Nov. 2012, p. 1.

**RELEASE OF INFORMATION FORM:** Go to [OHSInsider.com](http://OHSInsider.com) to download a [model form](#) you can use to get workers' consent to the release of information gathered in the medical monitoring program.

## TAKE 7 STEPS

As always, you should consult and comply with the specific requirements under your jurisdiction's OHS laws as to the monitoring of workers' health. (See [this chart](#) for when the OHS laws in each jurisdiction require medical monitoring.) But in general, taking these seven steps will help you comply with those requirements:

[learn\_more caption="Step #1: Determine if Medical Monitoring Is Required or Advised"]

The jurisdictions take two basic approaches to monitoring the health of workers:

**Specifically require medical monitoring.** AB, BC, NB, NL, ON and QC all specifically require medical monitoring for workers exposed to certain hazards, such as:

- Asbestos, silica, coal dust and other air contaminants;
- Lead;
- Mercury;
- Hazardous biological agents;
- Heat and/or cold stress;
- Radiation; and
- Compressed air or atmospheric pressure (such as divers).

The requirements for medical monitoring in these jurisdictions may specify when workers should initially be examined, how often follow-up exams must be conducted, the medical tests that should be included in these exams and how long you should retain records of the exams.

**Require medical exams.** The remaining jurisdictions don't specifically require medical monitoring'but they do require 'medical exams' for workers under designated circumstances. For example, the OHS acts in several jurisdictions say that a government official, such as a minister or director, can require workers to get examined under certain circumstances, such as to determine if a worker is suffering from an occupational illness. And the OHS regulations may require workers to be medically examined when exposed to certain hazards. In these cases, a medical monitoring program, although not required, may still be a useful way to manage such medical exams.

In addition, one could argue that the so-called 'general duty clause' in each jurisdiction's OHS acts may require medical monitoring if workers are at risk of developing an occupational illness due to exposure to a workplace hazard. And in fact, some jurisdictions recommend medical monitoring in such circumstances even though not technically required by law. For example, Alberta requires health assessments for workers exposed to certain substances but not insecticides. However, an Alberta safety bulletin on guidelines for workers applying insecticides notes that although the OHS laws don't require such workers to have medical assessments, medical monitoring of them can be used to check the effectiveness of control measures to minimize exposure and help diagnose suspected overexposure.

*Bottom line:* If your jurisdiction requires medical monitoring for hazards to which your workers are exposed, you should implement a medical monitoring program. In addition, if your jurisdiction requires medical exams of certain workers, you should consider implementing such a program. And as suggested by WorkSafeBC guidelines and regardless of the law, you should consider medical monitoring whenever:

- There's a reasonable likelihood of a workplace exposure;
- That exposure can potentially cause an occupational

disease or adverse health effect; and

- There's a means of detecting or measuring the disease, its adverse health effects or its symptoms or 'indicators.'

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[learn\_more caption="Step #2: Develop and Implement the Monitoring Program"]

A medical monitoring program can be a stand-alone program or part of an overall plan to address a particular hazard. For example, in BC, health monitoring programs are part of exposure control plans for designated hazards. The specific components of a medical monitoring program will depend on the particular hazards you're monitoring exposure to and the occupational illnesses you're trying to prevent. That's why it's best for such programs to be set up by an occupational health physician or nurse. (However, once established, the daily management of medical monitoring programs can be handled by another qualified person, such as an occupational hygienist or safety manager, although health professionals will obviously need to be involved.)

However, all medical monitoring programs should, at a minimum, cover the following:

- Which workers the program will apply to;
- When initial medical exams should be conducted, such as after a worker is first exposed to asbestos;
- When follow-up exams should be conducted, such as every year or two years;
- What tests the medical exams should include;
- Who'll conduct the exams;
- Where and when the exams will be conducted; and
- Recordkeeping requirements, including privacy restrictions.

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[learn\_more caption="Step #3: Get Consent from Workers Covered by the Program"]

Although employers may be required to conduct medical monitoring, workers are not required to participate. That is, you can't coerce, threaten or force a worker into submitting to a medical exam. And you can't discipline or otherwise retaliate against them for exercising their right to refuse. (See, [Discipline and Reprisals Compliance Centre](#).) Instead, you should get consent from the workers to whom your medical monitoring program applies. To get informed consent from workers and to encourage them to participate in the program, explain to them the purpose of the program, including the hazards it targets, the occupational diseases or adverse effects you're trying to prevent, the medical tests that will be involved and what will be done with the results of those tests.

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[learn\_more caption="Step #4: Conduct the Exams"]

The workers who've agreed to participate in the monitoring program should generally get an initial exam to establish their baseline physical condition and overall health, and their exposures to the substances being monitored. The subsequent follow-up exams will be used to identify any changes from this baseline. How often workers should get follow-up exams as well what tests these exams should include will vary depending on the hazards and occupational diseases the program is targeting. For example, medicals exams for workers who are exposed to asbestos will typically involve x-rays of their lungs, while exams for those exposed to lead will generally include blood tests to determine their lead levels.

You should try to schedule and conduct the program's medical exams during workers' usual work hours. The OHS laws generally

bar employers from deducting the time spent in such exams and any travel to/from the place where the exams are conducted from a worker's hours of work, wages, salary or other benefits. In addition, employers must pay all costs related to the exams, including the cost of the exams themselves, any tests (such as x-rays or lab tests) and the interpretation of the results of such tests.

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[learn\_more caption="Step #5: Keep Records for as Long as Is Practical"]

You must keep records of your medical monitoring program, including results of workers' exams. And you should retain these records for as long as is practical. That's because one of the obstacles to preventing some occupational diseases is that they may not appear until years after the workers have been exposed to the particular hazard. And these records can be used to identify and assess any work-related health changes in workers that may be associated with changes over time in work processes, practices, exposures or control measures. So the records generated through your program could be needed by a worker's doctor, say, 15 years from now.

If your OHS laws don't specify how long to retain records from medical monitoring, a good rule of thumb is to keep them for at least 40 years from the initial exam or 20 years after the worker leaves your employment.

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[learn\_more caption="Step #6: Ensure Confidentiality of Program Records"]

It's important that you ensure that the records created as part of the medical monitoring program are kept confidential. Privacy laws likely protect such records because they contain workers' personal health information. So implement a privacy

policy for such records and make the person in charge of the medical monitoring program responsible for ensuring that the information is kept confidential.

For example, you can't and should't give individual workers the records related to their health monitoring, as well as the interpretation of such records. But unless the law requires you to release a worker's records or the worker gives written informed consent for the release of his records, you shouldn't release them otherwise—even to the worker's personal physician.

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[learn\_more caption="Step #7: Regularly Review Program"]

As with any workplace safety program, you should regularly review and evaluate your medical monitoring program, including when:

- There's a change in work processes or use of hazardous substances that could introduce new health risks into the workplace;
- There's a significant change in the results of the monitoring program, such as indications that the exposure limit for the substances being monitored is being exceeded or that control measures aren't working effectively; or
- Workers are reporting signs or symptoms of occupational disease.

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**BOTTOM LINE**

Medical monitoring programs are valuable for keeping workers who are exposed to certain hazards healthy and for catching any signs that they're developing occupational illnesses as soon as possible. Such programs are also useful for evaluating the effectiveness of the controls you have in place to eliminate or reduce workers' exposure to such hazards. So regardless of whether your OHS regulations require you to implement a medical monitoring program, consider doing so anyway if your workers are regularly exposed to hazardous substances that can cause occupational illnesses.