

# HR Informations Pratiques

## Occupational Health

**Disregarded, often criticized, sometimes considered useless, what is occupational health and what are the missions of the occupational doctor?**

### **1. What is the purpose of the occupational health service?**

Established in 1946, occupational medicine is a French specificity. Its dual objective is to protect employees by monitoring their health and compatibility with their jobs and protect employers by ensuring that the people they hire are in good health.

Occupational health is purely preventive medicine: it aims to avoid the deterioration of the employees' health due to their work, including monitoring their health, hygiene conditions in the workplace and the risk of contagion.

Obligatorily organized and financed by the employer, occupational medicine is for all employees, regardless of the size of the company.

### **2. What is the role of the occupational doctor?**

The occupational doctor is a qualified doctor of medicine. He/She is registered with the *Ordre des Médecins* (College of Physicians and Surgeons), which means he/she is subject to the code of medical ethics. He/she is bound by the rules of medical confidentiality and professional secrecy.

The role of the occupational doctor is purely preventive. He must monitor the state of health of workers according to their age, risk to their safety, health and working conditions.

He must also advise the employer, workers and staff representatives on the necessary measures to:

- Prevent or reduce occupational risks
- Improve working conditions
- Prevent the use of alcohol and drugs in the workplace

- Prevent psychological or sexual harassment
- Prevent or reduce difficult working conditions and professional exclusion and contribute to the continued employment of workers

The occupational doctor has free access to the workplace. He carries out visits on his own initiative or at the request of the employer or the *Comité d'Hygiène, Sécurité et des Conditions de Travail* (CHSCT).

### **3. Medical examinations for employees**

The employer must provide medical examinations to all employees. The employee must go to these examinations. At AUP, an employee who misses several appointments organized by Human Resources risks a disciplinary sanction. Indeed, non-compliance is a misdemeanor which can lead to a fine (Code du Travail, Article R4745-1) or even a prison sentence for repeat offenses (Code du Travail, Article L4745-1).

#### **Medical examination on recruitment**

All employees (CDD and CDI) must benefit from a medical examination at the latest before the end of the trial period.

This medical is to verify the medical fitness of the employee for his job and ensure that he presents no danger of infection for the other employees. If necessary, the occupational doctor can propose workstation adaptation; inform employees of the potential risks related to the position and on preventive measures.

After the examination, the occupational doctor will give the employee a slip called *Fiche d'Aptitude* which attests that the employee was present and on which he notifies his findings. Another copy is sent to the employer and recorded in the employee's personnel file.

In some cases, the employer is not required to organize a recruitment medical examination, particularly for employees who have multiple employers and who have had a medical examination through one of them. In this case, a copy of the *Fiche d'Aptitude* is sufficient.

## **The periodical medical examination**

The employee benefits from a regular medical examination at least every 2 years.

These visits allow the doctor to ensure that the employee is still fit to do his job.

Apart from regular visits, the doctor can receive the employee at his request or at the request of the employer.

The reform of the occupational health legislation in November 2012 foresees that medical examination can be carried out by a specialized occupational health nurse working under the doctor's responsibility. This only applies to employees who have already received a medical examination with the occupational doctor (upon recruitment or a periodical medical examination).

## **Medical examination after sick leave**

A medical examination is required after:

- Maternity leave
- An absence due to occupational illness (regardless of duration)
- An absence of at least 30 days because of a work accident
- An absence of at least 30 days due to illness or accident of non-occupational origin.

This medical examination allows the doctor to:

- Deliver a favorable opinion to return to work
- Advocate if necessary the adaptation of the workstation or a reclassification
- Examine the proposals made by the employer following the recommendations issued by the occupational doctor for the adaptation of the post or reclassification measures.

The occupational doctor may prescribe additional tests, particularly to detect health risks for the employee.

The medical examination after sick leave must take place, at the employer's initiative, within 8 days after the return to work. The employee has the obligation to go to this examination.

## The pre-return medical examination after sick leave

When a sick leave lasts more than three months, a pre-return medical examination can be carried out.

This examination is organized by the occupational doctor, either at the request of the employee, or on the initiative of the employee's personal doctor or the social security medical advisor. The visit takes place before the end of sick leave.

After this visit, the occupational doctor may recommend:

- Arrangement and adaptation of the workstation
- Reclassification measures
- Organization of a professional training to facilitate vocational retraining or reorientation of the employee.

 *The pre-medical examination after sick leave does not affect the obligation to have a medical examination after sick leave.*

### 4. After the medical examination

Following the examination the doctor states that the employee is:

- Either fit
- Or partially or totally unfit for his job

If necessary, the occupational doctor may recommend to the employer measures such as transfer to another position or modifications to the position that the employer must take into consideration.

If the doctor deems the employee unfit for his position, the employer must seek possibilities for reclassification. If reclassification is impossible, the employer is **obliged** to terminate the employee by reason of medical unfitness.

The employer or the employee may contest the doctor's recommendation. In this case, an appeal should be submitted to the labor inspector within two months.

## 5. Consequences of medical visits on working time

The time required for medical examinations is considered as working time. When the examinations cannot take place during working hours, the time spent is remunerated as normal working time.

Do you have any questions? Please contact the Human Resources Department.