

FACT SHEET

HEALTH MONITORING UNDER THE HEALTH AND SAFETY AT WORK (GENERAL RISK AND WORKPLACE MANAGEMENT) REGULATIONS 2016

This fact sheet summarises the health monitoring required under the GRWM Regulations. This fact sheet is for persons conducting a business or undertaking (PCBUs).

This fact sheet only explains the requirements to monitor worker health under the GRWM Regulations. However, even if PCBUs don't need to monitor under *these* regulations, they still have a primary duty to monitor worker health as far as is reasonably practicable if exposure to a particular health risk warrants it. The results from worker health monitoring are an important step in assessing whether the work controls in use are managing a risk effectively.

WHAT IS HEALTH MONITORING?

Health monitoring means monitoring a person to identify any changes in his or her health status because of exposure to certain health hazards arising from the conduct of the business or undertaking (GRWM Regulations).

Health monitoring is a way to check if the health of workers is being harmed from exposure to hazards while carrying out work, and aims to detect early signs of ill-health or disease.

Health monitoring can show if control measures are working effectively.

Monitoring does not replace the need for control measures to minimise or prevent exposure.

Examples of health monitoring include:

- > spirometry testing to detect early changes in lung function
- > audiometric testing to detect early hearing loss.

Health monitoring is not:

- > wellbeing checks (eg cholesterol checks) or programmes (eg promoting healthy living)
- > fitness to work examinations.

Under most circumstances worker health monitoring will be classed as a health service. This means the rights and duties in the *Code of Health and Disability Services Consumer's Rights* (including consent requirements) will apply.

For further information about the *Code of Health and Disability Services Consumer's Rights* see the Health and Disability Commissioner website www.hdc.org.nz

WHEN MUST A PCBU CARRY OUT THE HEALTH MONITORING DESCRIBED IN THE GRWM REGULATIONS?

Health monitoring must be carried out under the following circumstances¹:

- a. If the worker carries out ongoing work using a substance hazardous to health that needs health monitoring (as specified in a safe work instrument²) **and** there is a serious risk to the worker's health because of exposure to that substance.

Note: Currently there is no work involving substances hazardous to health that requires the health monitoring of workers under the GRWM Regulations.

- b. If the worker carries out licensed asbestos removal work at a workplace and is at risk of exposure to asbestos when carrying out the work.
- c. If the worker carries out other ongoing asbestos removal work or asbestos-related work and is at risk of exposure to asbestos when carrying out the work.

Note: There are additional requirements for health monitoring for work involving asbestos – see the upcoming Approved Code of Practice *Management and removal of asbestos*.

WHAT IF MULTIPLE PCBUS HAVE A DUTY TO MONITOR THE SAME WORKER?

Different PCBUs may have a duty to protect the health of the same worker (known as overlapping duties). If this is the case, the PCBUs must work together to all meet their monitoring duties.

To read more about PCBUs working together, see the WorkSafe Special Guide – *Introduction to the Health and Safety at Work Act 2015* available from the WorkSafe website www.worksafe.govt.nz

IF HEALTH MONITORING IS REQUIRED, WHAT MUST THE PCBU DO?

WHO MUST CARRY OUT HEALTH MONITORING AND PRODUCE THE HEALTH MONITORING REPORT?

The PCBU must ensure health monitoring is carried out or supervised by an occupational health practitioner (a medical doctor, registered nurse or nurse practitioner) **with knowledge, skills and experience in health monitoring**.

Workers must be consulted about the selection of the occupational health practitioner who will carry out the monitoring.

To find out about occupational health practitioners in your area, check your local yellow pages or see the Health and Safety Association NZ website www.hasanz.org.nz

¹ Note: the regulator can also require monitoring to be carried out through an enforcement action.

² Safe work instruments (SWIs) set out technical rules in relation to matters covered by regulations. They are approved by the Minister.

WHAT KIND OF HEALTH MONITORING MUST BE CARRIED OUT?

The PCBU must ensure the health monitoring carried out is:

- > of a type recommended by an occupational health practitioner with experience in health monitoring or
- > a type referred to in a safe work instrument (if any).

Note: Currently there are no types of health monitoring specified in safe work instruments.

WHO MUST PAY?

The PCBU must pay all health monitoring costs.

If there are other PCBUs with the same duty to provide health monitoring to the same worker (overlapping duties) and the PCBUs have all arranged for one to commission the health monitoring, costs must be split equally unless agreed otherwise.

The PCBU who commissions the monitoring has specified duties as described below.

WHAT MUST PEOPLE BE TOLD ABOUT HEALTH MONITORING?

The PCBU must tell relevant people about the health monitoring requirements.

A 'relevant person' is:

- > someone who is likely to carry out work that involves the health hazard
- > a worker for the PCBU before they commence work that involves the health hazard.

The table below describes the information to be provided to the relevant person.

INFORMATION MUST BE PROVIDED ON:	SPECIFICS TO INCLUDE:
Why health monitoring is being carried out	<ul style="list-style-type: none">> the duty of the PCBU to put health monitoring in place> the health hazard that triggered the need for the health monitoring> the duty of the PCBU to obtain the health monitoring report> the purposes of health monitoring:<ul style="list-style-type: none">- to help PCBUs reduce the risk of exposure to work health hazards- to enable PCBUs to take remedial action- to facilitate the treatment and protection of workers who have been exposed to health hazards- to inform the regulator when the circumstances require it, so that the regulator can carry out its functions.
What health monitoring will take place	<ul style="list-style-type: none">> the nature of the health monitoring and how it will be carried out.
What information will be provided to the person carrying out the health monitoring	<ul style="list-style-type: none">> the information will be provided to the occupational health practitioner.
What information will be in the health monitoring report	<ul style="list-style-type: none">> the specific contents of the health monitoring report.
When the PCBU must notify the regulator or other PCBUs with overlapping duties	<ul style="list-style-type: none">> the duty of the PCBU to notify the regulator (most of the time this will be WorkSafe) and other relevant PCBUs.
How the health monitoring reports will be handled	<ul style="list-style-type: none">> how and when the health monitoring reports will be retained, stored and shared.

WHAT INFORMATION MUST BE GIVEN TO THE OCCUPATIONAL HEALTH PRACTITIONER WHO WILL CARRY OUT OR SUPERVISE THE HEALTH MONITORING?

The PCBU who commissioned the health monitoring must provide:

- > their name and address
- > the worker's name and date of birth
- > a description of the work that has triggered the need for health monitoring and
- > how long the worker has carried out the work.

WHAT MUST THE REPORT COVER AND WHEN MUST IT BE OBTAINED?

The PCBU who commissioned the health monitoring must take all reasonable steps to obtain the health monitoring report as soon as practicable after the monitoring has occurred.

The health monitoring report must include:

- > the worker's name and date of birth
- > the name of the occupational health practitioner
- > the name and address of the commissioning PCBU
- > the date of the health monitoring
- > any test results that indicate whether the worker has been exposed to a health hazard
- > any advice that the test results indicate the worker may have contracted a disease or an illness, or suffered an injury as a result of carrying out the work that triggered the need for the health monitoring
- > any recommendations that the PCBU takes remedial measures including deciding whether the worker is able to continue to carry out that work.

Health monitoring reports must be kept confidential.

The report should only provide the medical information needed to tell if the control measures are working effectively to minimise worker exposure to the hazard. It should not contain medical information that has no bearing on the work being performed.

Health monitoring reports must not be disclosed to anyone without the worker's written consent except to a PCBU with an overlapping duty and the regulator under certain circumstances (see below).

WorkSafe expects that access to the reports will be restricted to authorised personnel who need this information to make health and safety decisions (eg Health and Safety Managers).

If monitoring results are to be provided to anyone else, any information which identifies or discloses anything about an individual worker should be removed beforehand.

WHO RECEIVES A COPY OF THE REPORT?

As soon as is practicable after obtaining the report the PCBU who commissioned the health monitoring must provide copies to:

- > the worker being monitored
- > other PCBUs with overlapping duties to monitor the worker's health.

Where possible, workers should be encouraged to give copies to their GP.

WHEN MUST THE REGULATOR BE INFORMED ABOUT HEALTH MONITORING RESULTS?

The regulator must be given a copy of the report when it:

- > contains advice that the worker may have contracted a disease or illness, or suffered an injury as a result of carrying out the work or
- > recommends remedial measures (eg including deciding whether the worker is able to continue to carry out that work).

The report must be provided to the regulator by the PCBU who has workers undergoing health monitoring as soon as is practicable after the PCBU receives it.

In most cases, the regulator will be WorkSafe. However, there are other agencies (called designated agencies) that carry out health and safety functions for certain sectors.

Go to the WorkSafe New Zealand website www.worksafe.govt.nz to find out about designated agencies, what they cover and how to submit reports.

WHEN MUST A PCBU REVIEW THEIR CONTROL MEASURES IN LIGHT OF HEALTH MONITORING FINDINGS?

The PCBU must review and, if necessary, revise control measures if the health monitoring report contains:

- > test results that indicate that the worker has been exposed to a substance hazardous to health at a concentration that may cause harm and has an elevated level of that substance or its metabolites in their body or
- > advice that test results indicate that the worker may have contracted a disease or an illness, or suffered an injury as a result of carrying out work that involves a health hazard that triggered the requirement for health monitoring or
- > a recommendation that the PCBU take remedial measures (eg including a recommendation as to whether the worker can continue to carry out the work).

HOW LONG MUST HEALTH MONITORING REPORTS BE KEPT?

The PCBU must keep health monitoring reports as confidential records. The reports must be identified as records of that worker. The table below describes how long records must be kept.

TYPE OF MONITORING	TIME THE MONITORING RECORD MUST BE KEPT FROM DATE RECORD MADE
Monitoring undertaken to detect asbestos-related disease	40 years
All other monitoring	30 years

While PCBUs must give workers a copy of their health monitoring report each time they undergo monitoring, WorkSafe also recommends that workers are given copies of their monitoring records when they leave the business or undertaking. This includes when the business or undertaking is closing or ending.

WHERE CAN YOU FIND FURTHER INFORMATION?

PCBUs should contact an experienced occupational health practitioner for advice on health monitoring.

For information about exposure monitoring under the GRWM Regulations, read the fact sheet – *Exposure monitoring under the Health and Safety at Work (General Risk and Work Management) Regulations 2016*.

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