

Section 23(1-4) The Safety, Health & Welfare at Work Act 2005

(Regulations will be required before Section 23 is implemented)

Section 23.-(1)

An employer may require an employee of a class or classes, as may be prescribed, to undergo an assessment by a registered medical practitioner, nominated by the employer, of his or her fitness to perform work activities referred to in subsection (2) and the employee shall co-operate with such a medical assessment.

Section 23.-(2)

An employer shall ensure that employees undergo assessment by a registered medical practitioner of their fitness to perform work activities, as may be prescribed, which, when performed, give rise to serious risks to the safety, health and welfare of persons at work.

Section 23.-(3)

Where, following an assessment under subsection (1), a registered medical practitioner is of the opinion that an employee is unfit to perform work activities referred to in subsection (2), he or she shall notify the employer, by the quickest practicable means, of that opinion and the likelihood of early resumption of work for rehabilitative purposes and shall inform the employee accordingly, giving the reasons for that opinion.

Section 23.-(4)

If an employee referred to in subsection (1) becomes aware that he or she is suffering from any disease or physical or mental impairment which, should he or she perform a work activity referred to in subsection (2), would be likely to cause him or her to expose himself or herself or another person to danger or risk of danger, he or she shall immediately notify the employer concerned or a registered medical practitioner nominated by that employer who shall in turn notify the employer.

Section 23.-(5)

Where an employer receives a notification under subsection (3) or (4), he or she shall immediately take appropriate action to comply with his or her general duties under Section 8.