

Medical examination

Medical examination rules section 4.

(1) It shall be the duty of the employer to ensure that all persons employed in any of the occupations outlined in the Eighth Schedule to the Act undergo both pre-employment and periodic medical examinations by the Designated Health Practitioner as outlined in the First Schedule.

(2) The fees to be charged by the designated health practitioner shall be as prescribed by the director.

5. (1) the employer shall ensure that the examination takes place without any loss of earnings for the employees and if possible within normal working hours during their employment.

(2) The costs in connection with such examination shall be paid by the employer.

(3) The employees and former employees shall be under an obligation to undergo medical examination in accordance with these Rules.

(4) Any person who contravenes this provision shall commit an offence.

6. (1) Results of the examinations shall be entered into each individual's medical record by the designated health practitioner and shall be updated with each examination whenever repeat tests are carried out.

(2) Summary report forms as outlined in the Second Schedule shall be completed after medical examination for each hazard and shall be submitted within 30 days to the director and a copy sent to the employer.

(3) If there is more than one hazard in the same workplace, separate summary report forms shall be used for each hazard.

7. (1) If it is desirable that an employee be removed from further exposure to a particular hazard, the certificate of redeployment as outlined in the Third Schedule shall be filled and be completed in triplicate and a copy sent to the employer, employee and the director within seven days from the date of the examination

(2) In these rules, unless where it is otherwise indicated, all abnormal examination results shall be repeated within two weeks to ensure consistency.

8. (1) Examination results for persons entering employment or those returning from sick leave occasioned by occupational diseases shall be entered into the certificate of fitness as outlined in the Fourth Schedule, which shall be kept by the designated health practitioner, and a copy thereof given to the employee.

(2) If an employee is exposed to more than one of the specified hazards, a separate certificate of fitness shall be completed for each hazard.

9. (1) The provisions of section 22 of the Act regarding the notification of occupational diseases shall apply mutatis mutandis for all abnormal results as if they were set out therein.

(2) Notification shall contain particulars

Any person who commits an offence under this section shall on conviction be liable to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding three months or to both. Where the contravention in respect of which a person is convicted is continued after the conviction, shall that person subject to the provisions of section 110, be guilty of a further offence and liable in respect thereof to a fine not exceeding ten thousand shillings for each day on which the contravention is so continued.

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