

News Flash

December 8th 2014

Provision of occupational health service amended

Employer's duties

Forms of ensuring the occupational health service

We would like to draw your attention to the amendment to the Act No. 355/2007 Coll on protection, support and development of public health that came into force as of August 1st 2014.

Pursuant to the wording of the Act effective till July 31th 2014 an employer was obliged to ensure the occupational health service only for employees performing hazardous work classified in the categories 3 and 4.

Under the new wording an employer will be obliged to ensure the health supervision for all his/her employees through the occupational health service, i.e. also for employees in the 1st and 2nd category.

An employer employing employees classified in 1st or 2nd category is obliged to ensure a health supervision service for his/her employees not later than on December 31th 2014.

The forms of ensuring the occupational health service are more flexible and dependent on work category. The employer can decide to meet the obligation either (i) through his/her own employees or (ii) through the third parties:

- i. The employer is obliged to have enough own employees performing tasks classified in the first or second category in order to provide the occupational health service, i.e. medical practitioner with specialisation of specialized field, public health worker, security technician or authorised security technician or the minimum team of occupational health service. In case of need the employer is also obliged to provide the ambulance service for performance of preventive medical examinations of employees as relates to the work and store the documentation related to the performance of these examinations.
- ii. The employer is obliged to meet the obligation through the third party if he/she has not own employees to perform the occupational health service. The employer may meet the obligation through:
 - a. individual – an entrepreneur or by legal entity holding a license to perform the activities of the occupational health service issued by the Slovak Office for Public Health for employees performing the works classified in 1 – 4 categories
 - b. individual - an entrepreneur or by legal entity that is a provider of health care, providing health care in the specialised field of general medicine, clinical work medicine and toxicology, work medicine, preventive work medicine and toxicology, health service at work or in the specialised field of public medicine for employees performing tasks classified in the first or second category
 - c. individual – an entrepreneur who is a public health practitioner or by legal entity holding trade licence under special provision to perform supervision over work conditions for employees performing tasks classified in 1st or 2nd category
 - d. individual – an entrepreneur who is a security technician or an authorised security technician, authorised to perform security-

technician service to ensure some of the activities of the occupational health service for employees performing tasks classified in 1st or 2nd category

The occupational health service for employees performing hazardous work classified in 3rd and 4th category can be ensured only by the team of occupational health service as it has been the case previously. **Under the new wording the team consists only of medical practitioner and public health practitioner**, i.e. the nurse is no longer necessary to be a part of the team.

Preventive medical examinations

The obligation of medical examinations related to the work classified in the 1st and 2nd category is stipulated under special provisions, e.g. it is not changed by the amendment.

The employer's obligation to arrange and pay for the preventive medical examinations of employees applies only to hazardous works (i.e. 3rd and 4th category), while the medical examinations can be conducted only by medical practitioners, i.e. the same way as it is now.

Contact

Erika Bodáková

Senior Associate

+421 2 325 53 000

erika.bodakova@accace.com

www.accace.com

Disclaimer

Please note that our materials have been prepared for general guidance on the matter and it does not represent a customized professional advice. Furthermore, because the legislation is changing continuously, some of the information may have been modified after the material has been released and Accace does not take any responsibility and is not liable for any potential risks or damages caused by taking actions based on the information provided herein.