

ARTICLE

COVID19 - POSTPONEMENT OF WORKERS' MEDICAL VISITS - DETAILS ON THE DECREE OF APRIL 8, 2020.

Employment and Social Security Law | 10/04/20 | Marie-Hélène Bensadoun Laetitia-Marie Jamet

LIFE SCIENCES & HEALTHCARE

The Ordinance n°2020-386 of April 1, 2020 adapting the conditions of health service missions during the state of health emergency provided the possibility to postpone the medical visits monitoring workers health status and that the conditions of the postponement would be clarified later in a decree.

It's done with the publication on April 8, 2020 of the decree n°2020-410 **temporarily adjusting to the state of health emergency the time frames for medical visits and exams by the occupational health services**

1- The decree confirms the possibility, for the occupational doctor to postpone to **no later than December 31, 2020**, certain medical visits and exams due to take place between March 12 and August 31, 2020. It concerns:

- The initial medical visit of information and prevention (hiring medical visit) or its renewals **except** for workers receiving appropriate follow-up (disabled workers, young under the age of 18, pregnant women, night workers....)

- The **renewal** of the worker's aptitude medical exam and the intermediate visit of workers assigned to a position of particular risk to their health or safety except for workers exposed to ionizing rays, pursuant to the conditions set forth in article R.4451-57 of the Labour Code.

--> **NOTE**: the initial aptitude medical exam of employees subject to enhanced individual follow-up cannot be postponed.

2- Without obstructing the return to work, the occupational doctor may also postpone the **visit after return from leave**:

- to a maximum of one month following the return to work for workers receiving enhanced individual follow-up,

- to a maximum of three months following the return to work for all other workers.

--> **NOTE**: The pre recovery visit must always take place before the effective return to work for disabled workers, young under the age of 18, workers receiving a disability pension, post delivery or nursing mothers and night workers.

3- Unless the occupational doctor deems it necessary, he is not bound to organise a **pre- recovery visit** when the return to work is due before August 31, 2020,

4- Lastly, the decree provides that the mentioned visits and exams will not be postponed **if the occupational doctor finds it necessary to meet the deadline especially given the worker's state of health or the features of his or his working conditions post**

