



ENVIROSYSTEMS

SWP – ACCESS TO EXPOSURE &
MEDICAL RECORDS

SAFE WORK PRACTICE

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INTRODUCTION

EnviroSystems, Inc. (EnviroSystems) recognizes the various requirements regarding employee access to exposure and medical records. This document meets all jurisdictions where EnviroSystems projects are carried out in the U.S.

PURPOSE

To assist in compliance with regulatory requirements regarding employee access to exposure and medical records.

SCOPE

This document applies to all employee exposure and medical records at all EnviroSystems operations. Except as expressly provided, nothing in this document is intended to affect existing legal and ethical obligations concerning the maintenance and confidentiality of employee medical information, the duty to disclose medical information to a patient / employee, or affect the integrity of the doctor / patient relationship.

REFERENCE DOCUMENTS

- 29 CFR 1910.1020 – Access to Employee Exposure & Medical Records

DEFINITIONS

Access means the right and opportunity to examine and copy.

Designated Representative means any individual or organization to which an employee gives written authorization to exercise a right of access.

Employee means a current employee, former employee, or an employee being assigned or transferred to work where there will be exposure to toxic substances or harmful physical agents.

Employee Exposure Record means a record containing any of the following kinds of information:

- Workplace environmental monitoring or measuring of a toxic substance or harmful physical agent as well as related collection and analytical methodologies, calculations and background data relevant to interpretation of the results obtained, and;
- Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems, but not including results which assess an employee's use of alcohol or drugs, and;
- Material Safety Data Sheets (MSDSs) indicating that a substance or physical agent in the workplace may pose a hazard to human health for substances to which an employee has or had an occupational exposure, and;
- In the absence of MSDSs, a chemical inventory or other record which reveals the identity of toxic substances or harmful physical agents to which an employee has or had an occupational exposure.

Employee Medical Record means a record concerning the health status of an employee which is made or maintained by a physician, nurse or other health professional including:

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- Medical and employment questionnaires or histories, including job descriptions and occupational exposures, and;
- The results of medical examinations (pre-employment, pre-assignment, periodic, or episodic) and laboratory tests (including chest and other X-rays taken for the purpose of establishing a baseline or detecting occupational illnesses), and;
- Medical opinions, diagnoses, progress notes, and recommendations, and;
- First aid records, and;
- Descriptions of treatments and prescriptions, and;
- Employee medical complaints.

Employee medical records **do not** include the following:

- Physical specimens, and;
- Records concerning health insurance claims maintained separately from the occupational health program and records and that are not accessible to EnviroSystems management, and;
- Records created solely in preparation for litigation, and;
- Records concerning voluntary employee assistance programs (alcohol, drug abuse, or personal counseling programs) maintained separately from the occupational health program and records and that are not accessible to EnviroSystems management.

Exposure or **Exposed** means that an employee is subjected to a toxic substance or harmful physical agent in the course of employment through any route of entry including past exposure and potential exposure to these substances and agents.

Health Professional means a physician, occupational health nurse, industrial hygienist, toxicologist, or epidemiologist, providing medical or other occupational health services to exposed employees.

Toxic Substance or **Harmful Physical Agent** means any chemical substance, biological agent, or physical stress which:

- Is listed in the latest edition of the NIOSH *Registry of Toxic Effects of Chemical Substances* (RTECS), or;
- Has yielded positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer, or;

Is the subject of an MSDS kept by or known to the employer that indicates a material may pose a hazard to human health.

PRESERVATION OF RECORDS

The medical record for each employee shall be preserved and maintained for at least the duration of employment plus thirty (30) years, except that the following types of records need not be retained for any specified period:

- Health insurance claims records maintained separately from the employer's medical program and its records, and;
- First aid records (not including medical histories) of one-time treatment and subsequent observation of minor injuries which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, if made on-site by a non-physician and if maintained separately from the employer's medical program and its records, and;

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- The medical records of employees who have worked for less than (1) year need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment.

Employee exposure records shall be preserved and maintained for at least thirty (30) years, except that:

- Background data to environmental workplace monitoring or measuring, such as laboratory reports and worksheets, need only be retained for one (1) year so long as the sampling results, the collection methodology, a description of the analytical and mathematical methods used, and a summary of other background data relevant to interpretation of the results obtained are retained for at least thirty (30) years, and;
- Material safety data sheets concerning the identity of a substance or agent need not be retained for any specified period as long as some record of the identity of the substance or agent, where it was used, and when it was used is retained for at least thirty (30) years.

Note: Should EnviroSystems cease to do business, EnviroSystems shall transfer all records subject to this section to the successor employer. If there is no successor employer to receive and maintain the records, or if EnviroSystems intends to dispose of any records required to be preserved for at least thirty (30) years, EnviroSystems shall notify affected current employees of their rights of access to records at least three (3) months prior to the cessation of the business.

ACCESS TO RECORDS

Whenever an employee or an employee's designated representative requests access to a record, access shall be provided in a reasonable time, place, and manner. If access cannot be provided within fifteen (15) working days the employee or the employee's designated representative shall be notified within fifteen (15) working days of making the request the reason for the delay and the earliest date when the record can be made available.

Whenever an employee or an employee's designated representative who has specific written authorization from the employee requests a copy of a covered record, EnviroSystems Division management shall ensure subject to any legal exception:

- A copy of the record is provided without cost to the employee or the designated representative, or;
- Make available without cost the necessary copying facilities to the employee or the designated representative for copying the records, or;
- Loan the records to the employee or the designated representative for a reasonable time to enable a copy to be made.

Whatever method of access is made available to the requesting employee, Division management shall supervise the access to ensure the integrity of the records.

Whenever a record has been previously provided without cost to an employee or the designated representative, a reasonable, non-discriminatory charge may be levied (i.e., search and copying expenses but not including overhead expenses) for additional copies of the record. Charges shall not be levied for an initial request for a copy of new information that has been added to a record which was previously provided.

Whenever access is requested to an analysis which reports the contents of employee medical records by either direct identifier (name, address, social security number, payroll number, etc.) or by information which could reasonably be used under the circumstances indirectly to identify specific employees (exact age, height, weight, race, sex, date of initial employment, job title, etc.), personal identifiers must be removed before access is provided.

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EMPLOYEE PRIVACY

Every reasonable effort shall be made to protect the confidential nature of the information that may be contained in employees' Medical Records. Except as provided in the *ACCESS TO RECORDS* section of this document, access to employee Medical Records shall be limited to health care professionals and those members of EnviroSystems management who have a legitimate business need to access them for purposes such as making job fitness determinations, injury classification decisions, etc., and otherwise as required by applicable law. Any such records that are not stored or archived at a health care professional's facility shall be under the control of an EnviroSystems Division management member who is to ensure only those with a legitimate business need to access those records does so.

TRAINING OR INSTRUCTION

Upon first entering into employment, and at least annually thereafter, each employee shall be informed of the following:

- The existence, location, and availability of any records covered by this document, and;
- The person responsible for maintaining and providing access to records, and;
- Each employee's rights of access to these records.

A form is included at the end of this document to meet the initial notification requirement. A poster is included at the end of this document to meet the annual notification requirement.

RESPONSIBILITIES**Management**

Division management is responsible for ensuring all provisions of this document are met.

Safety Personnel

Division safety personnel are responsible for assisting Division management in implementing the provisions of this document.

Employees

All employees are responsible for abiding by the provisions of this document.

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POLICY, PROGRAM & SAFE WORK PRACTICE (SWP) EMPLOYEE

ACKNOWLEDGEMENT & AGREEMENT

EnviroSystems, Inc. (EnviroSystems) is dedicated to conducting business in a manner that actively promotes the protection of the environment and safeguards the health and safety of our employees, customers, contractors, and the general public.

EnviroSystems Health, Safety and Environmental (HSE) Manual contains the policies, programs, and Safe Work Practices (SWPs) that meet the requirements set forth by the Corporate EnviroSystems' Health, Safety and Environmental Management System.

The premise of the **Internal Responsibility System** is used for EnviroSystems. Everyone is responsible for the health and safety of themselves and others to the level they have the ability and authority to do so. Management must rely on employees to identify specific hazards and promote the use of equipment, training, policies, programs and safe work practices to protect themselves.

Each Division must keep a copy of this program accessible to all employees. It is to be used as a reference to assist you in implementing safety management in your area. All the records, plans, procedures, and standards required by the program will be kept in the Intellex Database. Note that EnviroSystems' HSE Manual is constantly being further developed and improved. Should you have suggestions on the program/s improvement please contact your EnviroSystems HSE Manager.

In accordance with EnviroSystems HSE Manual:

Managers and supervisors are responsible for implementing and supporting policies, programs, and safe work practices ensuring operations are consistently completed safely with minimal impact to the environment.

Our employees are responsible to follow policies, programs, and safe work practices and perform their job function in a manner that protects themselves, their co-workers, clients, contractors, the public, and the environment.

The EnviroSystems Health, Safety and Environment (HSE) Manual is designed to help you understand our company policies and procedures.

BY MY SIGNATURE BELOW, I ACKNOWLEDGE BEING MADE A WARE OF THE LOCATION OF ENVIROSYSTEMS HSE MANUAL AND THE FOLLOWING HSE POLICIES, PROGRAMS, AND SAFE WORK PRACTICES CONTAINED WITHIN THE MANUAL.

<ul style="list-style-type: none"> • Progressive Discipline • Fall Protection • Confined Space Entry • Lock Out Tag Out (LOTO) • Hearing Conservation • Fire Prevention • First Aid • Hazard Communication • Forklift Powered Industrial Trucks • Hazard Identification and Control • Scaffold User • Process Safety Management (PSM) • Asbestos Management • Training Awareness • Workplace Violence Harassment • High Pressure Water Blasting 	<ul style="list-style-type: none"> • Housekeeping • Incident Management • Personal Protective Equipment (PPE) • Working Alone • Access to Exposure & Medical Records • Benzene • Bloodborne Pathogens • Electrical Safety • HAZWOPER • Hydrogen Sulphide (H2S) • Industrial Vacuuming • Lead Exposure • Natural Occurring Radioactive Material (NORM) • Vehicle Safety • Vacuum Trucks
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I, _____ WILL ENSURE THAT ALL HSE POLICIES, PROGRAMS, AND SAFE WORK PRACTICES AT VISTEC ARE FOLLOWED AND I UNDERSTAND THAT FAILURE TO DO SO CAN RESULT IN DISCIPLINARY ACTIONS UPTO AND INCLUDING DISMISSAL. I FURTHER UNDERSTAND THAT IT IS MY RESPONSIBILITY TO ENSURE THAT ALL OPERATIONAL REQUIREMENTS ARE BEING CARRIED OUT OR I WILL EXERCISE MY RIGHT TO REFUSE WORK.

DATE

EMPLOYEE NAME

EMPLOYEE SIGNATURE