

PROGRAM DIRECTIVE

Program Directive A-58
Issued September 10, 1979
Revised May 15, 2000

SUBJECT: Medical Examinations: Employee Refusal To Have Required Medical Examination or Annual Audiogram

AFFECTED CODES/

DIRECTIVES: Any health or safety rule which requires an employer to provide a medical examination (or annual audiogram) for employees, including Asbestos, OAR 437-02-1910.1101(j); Carcinogens, 1910.1003 through 1910.1016; Vinyl Chloride, 1910.1017(k); DBCP, 1910.1044(m); Occupational Noise and Hearing Conservation, 1910.95(g)(6).

PURPOSE: To instruct compliance officers on action to be taken if an employee refuses to have a required medical examination or annual audiogram.

BACKGROUND: In an increasing number of situations employers are being required by OR-OSHA codes to provide medical examinations or annual audiogram for employees. However, there are employees who refuse to have an examination even though the employer pays for it. In such instances, an employer who has tried to provide the examination should not be penalized because of the employee's action.

ACTION:

- A. If an employee refuses to take the required medical examination, it should be determined and documented that the employer has made a good faith effort to provide or make available, at no cost to the employee, the required medical examination. If the employer has demonstrated such good faith, the employer would be in compliance with the regulations.
- B. A signed statement by the employee showing that the employee understands the reason for the physical examination and that the employee refuses would be appropriate documentation. The written statement of refusal signed by the employee shall be kept by the employer.

When annual examinations are required, employers should continue to

offer the exams to employees who have previously refused. Continued employee refusal to have exams should be documented.

**EFFECTIVE
DATE:**

This program directive is effective immediately and will remain in effect until cancelled or superseded.