



## **An employer's Guide to engaging an occupational health physician**

### **When and why do employers need the services of occupational physicians?**

Being in business involves risk. Business opportunities are inherently uncertain and need to be assessed and managed. But other risks are also part of running any business.

An important area of risk is around employee health. Such risks can potentially have a major impact, whether from ill health (either related or unrelated to work) or from litigation, both civil (alleged negligence, work-related damage or failure to comply with disability discrimination requirements) and criminal (health & safety offences). Where a defined benefits pension scheme for employees is in place (or other employee benefits for long term ill health are available) funding needs to be appropriately managed.

Occupational physicians are able to help an employer significantly reduce the risks and thus assist with optimising productivity whilst reducing costs related to health. How can they do this?

Minimising the impacts of health risks to the business:

- Identifying the legacy of impairment/disease in new employees and establishing at employment the 'baseline' of health.
- Ensuring employers are aware of adjustments required to comply with the Disability Discrimination Act.
- Identifying work-related disease at the earliest point, to facilitate early intervention and treatment, enable cost containment and avoid legal challenge.
- Advising on preventing/minimising work-related illness.
- Complying with health surveillance, and, where required, advising on statutory reporting of work-related disease.

- Assessing fitness for work during and after illness/disease onset – recommending adjustments and restrictions (mostly temporary) to reduce absence costs.
- Training managers to manage attendance, prevent /mitigate physical or mental illness, including stress.

### **What is different about occupational physicians?**

When there is a need for medical support in the workplace, it is not sufficient to call in any doctor. Medicine is a very broad discipline; while all practising doctors have to be on the General Medical Council (GMC) register, being on the register by itself gives no guide to their specialist skills and competencies. Many doctors who offer their services as experts or advisers will not have had any specialist training in occupational medicine. More often than not, they will have only very limited knowledge of the workplace and of health issues, associated with the workplace.

Doctors purporting to practise occupational medicine should have had further training in occupational medicine. Even then, there are levels of training and, if you are considering engaging the services of an occupational physician, you need to be aware of the differences in degrees of expertise.

- Some doctors, for example general practitioners, will have had some very basic training. They may have done the Diploma in Occupational Medicine (DOccMed); this should enable them to give basic day to day advice and they should have some understanding of the main issues that affect work and health. But occupational medicine is not their main speciality and they would have to consult specialists on more complex issues, as they have the competence appropriate to a generalist.
- Specialists in occupational medicine will have had in depth training and experience in occupational medicine and will be judged to be 'fully knowledgeable in occupational medicine theory, practice and delivery'. They will be Members or Fellows of the Faculty of Occupational Medicine and will have the letters MFOM or FFOM after their name.
- There are some practitioners who hold the qualification of AFOM (Associate of the Faculty of Occupational Medicine); this qualification is being phased out. Those who have the qualification have core knowledge in occupational health but are not 'specialists'.

If a medical practitioner does not have any of these qualifications (DOccMed, AFOM, MFOM or FFOM), it is likely that they only have the minimal training in occupational medicine, which most, but not all, doctors get at medical school (a few hours worth). They do not have the qualifications, experience or validation that would enable an employer or a worker to be confident of their competency in this field.

It should be noted that some of these doctors may work in a company or unit where occupational medicine specialists have oversight and clinical responsibility for the doctor's work. Customers should satisfy themselves that there are arrangements for the governance of the doctor's work.

Even within occupational medicine, there are those who specialise in particular areas or types of work, for example, aviation medicine.

**Note:** The term 'specialist' has a specific legal meaning in medicine. A doctor can only call themselves a specialist if they are on the GMC Specialist Register; the register will state the field in which they can call themselves a specialist. No doctor should call themselves a 'consultant' unless they are on the specialist register in the appropriate field of medicine.

### **How to choose a provider?**

Choosing an occupational physician should involve two main steps:

- **First**, be clear about what tasks need addressing, who else will be involved in the work and what you expect the occupational physician to do.
  - The task could be about the medical assessment of people starting work or returning to work, or possibly leaving work. You need to be clear about not just the medical assessment but also the legal situation. Suitably qualified and experienced occupational physicians can bring a wealth of practical knowledge of the broader context in which such medical assessments take place, as well as the experience to assess fitness for work.
  - The task could however be about health and ill health issues in the workplace. What are your other health and safety advisers already contributing? What added value do you expect from the occupational physician? Occupational physicians will be familiar with risk assessment for health risks in the workplace and with the introduction of necessary controls. They will be especially experienced in such things as health and medical surveillance of workers, and maintaining health and surveillance records.
- **Second**, having established what contribution you want from the occupational physician, choose an occupational physician to work with you. You can do this by seeking tenders, or by direct recruitment. You may want to take advice from other employers in your field of business. However you go about recruiting an occupational physician, be clear on the specific skills and competencies you want and ensure that those you consider have those skills and competencies.
  - You may want to engage a firm offering occupational health support. This can bring a range of skills and individual competencies to bear. But does your need merit this comprehensive approach?
  - Alternatively, especially for narrowly defined tasks, you may want to engage an individual or small consultancy.

## How to monitor delivery and get value for money?

Occupational Health Service Standards have recently been published – *Occupational Health Service Standards for Accreditation (ISBN 978-1-86016-374-6)*, (available at: <http://www.facocmed.ac.uk/library/docs/standardsjan2010.pdf> or in hard copy from the Faculty of Occupational Medicine). It is recommended that employers should use these standards to ensure they are getting the services that will deliver value for their enterprises. The key standards for this purpose (note these are minimum standards and individual businesses might wish to aspire to higher standards) are that the service:

- has competent persons, as defined by the Management of Health and Safety at Work Regulations 1999, and as required by the customer's operations; and the service can demonstrate that their employees are up to date (both in terms of knowledge and professionally).
- has public and employers' liability and professional insurance/indemnity for the work.
- maintains occupational health clinical records that comply with the requirements of the Data Protection Act and the Health & Safety at Work Act (and its regulations), and protects the intellectual property of clients.
- has agreed processes for referral and reporting outcomes to the employer, the employees (and their representatives and GPs) and HSE (when statutory reporting is required), and has a communicated complaints procedure.
- has access to a specialist occupational physician (see above for definition).
- has appropriate facilities (when required for the work, e.g. employer has suitable premises) and equipment that is used and maintained to manufacturers' specifications.
- provides clear information on fees.
- has a process for disclosing all matters that could reasonably be expected to impair objectivity or independence in providing services to the customer and only proposes services the customer needs.
- ensures they undertake tours of the workplace (through periodic visits) to understand the culture, values, and needs based on reliable and recent information.
- has a service level agreement to ensure delivery and undertake periodic customer satisfaction feedback.

## What professional limitations are required of occupational physicians?

To remain eligible to practise as a doctor, occupational physicians must:

- comply with the requirements of the General Medical Council (GMC) as laid out in *Good Medical Practice*. In essence, this means that they must ensure consent by an employee to any procedure they undertake – consultation, treatment and/or disclosure.
- ensure that they maintain the confidentiality of any medical information they hold. This means that while the occupational physician can advise employers on, for example, an individual's fitness to work or on possible ill-health effects, they are not

allowed to provide employers with full medical details on the individual, without their consent.

- undertake continuing professional development (CPD), audit their clinical practice and subject themselves to annual appraisal (now a legal requirement to retain a licence to practise as a doctor).

Failure to comply can (in serious circumstances) lead to withdrawal of their rights to practise as a doctor and/or civil litigation. Occupational health physicians are advised by their professional body – the Faculty of Occupational Medicine – on how to comply specifically with these requirements when working for employers. Adherence allows fuller confidential employee disclosure of health problems to facilitate robust advice to employers.

*Faculty of Occupational Medicine  
6 St Andrews Place  
Regent's Park  
London NW1 4LB  
[www.facocmed.ac.uk](http://www.facocmed.ac.uk)*

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