

Executive Order on Medical Examinations Pertaining to Potential Occupational Exposure to Ionising Radiation¹

In pursuance of Section 39(1), Section 63(1-3) and Section 84 of the Working Environment Act; cf. Consolidation Act No. 1084 of 19 September 2017, as amended by Act No. 1543 of 19 December 2017, by authority, the following shall apply:

Section 1. This Executive Order is applicable to any work posing a risk of exposure to ionising radiation. However, the provisions of Section 3(3), and Sections 5 and 6 are applicable solely to work for an employer.

(2) Work posing a risk of exposure to ionising radiation, as governed by Section 2, may be performed solely by persons deemed fit to do so by a medical assessment.

(3) Work posing a risk of exposure to ionising radiation, as governed by Section 2, may otherwise be performed solely by persons whose state of health would thereby suffer no detriment.

Section 2. Anyone performing work under conditions likely to expose them to an effective dose exceeding 6 mSv annually or an equivalent dose exceeding 15 mSv annually for the lens of the eye or exceeding 150 mSv annually for the skin and the extremities shall undergo a medical examination to determine their fitness for any such work. The medical examination shall be conducted before the work commences. The Director-General of the Danish Working Environment Authority may lay down specific rules regarding the exemption from examination of individuals examined previously pursuant to this provision.

Section 3. Anyone performing work as stated in Section 2 shall undergo a routine examination of their state of health to determine whether they are still fit to perform such work. The examination shall be stipulated and performed commensurately with the nature and magnitude of the ionising radiation exposure and the examinee's state of health. Worker state of health shall,

however, be assessed at least annually and more frequently if so dictated by the given exposure situation or individual's state of health.

(2) The medical examination shall be supplemented by any additional examinations, decontamination procedure and emergency treatments deemed necessary by the medical doctor.

(3) The employer shall furnish the medical doctor with all the necessary information for examination, etc. of employees.

Section 4. In the event that an individual, as a result of irregularities resulting from an accident, incorrect technical operation or other causes has been, or must be presumed to have been, exposed to ionising radiation exceeding the permissible magnitude ensuing from the rules laid down by the Danish Health Authority on dose limits for ionising radiation, the employer shall take necessary action immediately. Furthermore, the employer shall notify the Danish Health Authority and the medical doctor specified in Section 5(1) or, if none such is stipulated, the Danish Working Environment Authority and the undertaking's occupational health and safety organisation. For any person not performing work for an employer, the aforementioned duties rest with that individual alone.

(2) The medical doctor shall perform the requisite examinations of the individual concerned as soon as possible.

Section 5. Any place of work where employment of the nature stated in Section 2 occurs shall have a medical doctor on call extraneous to that employment, who shall remain continually informed of the work in question and its attendant health risks.

(2) This medical doctor shall perform the examinations stipulated in Sections 2-4. However, any examination

¹ This Executive Order contains provisions implementing Council Directive 2013/59/EURATOM laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom, Official Journal of the European Union 2014, No. L 13, page 1.

stipulated in Section 2 may be performed by the medical doctor customarily consulted by the employee in question.

Section 6. The cost of medical examinations, etc. of employees pursuant to this Executive Order shall be borne by the employer.

(2) The employer shall ensure that medical examinations etc. are performed without loss of income for the employees and, as standard, during working hours.

Section 7. The Director-General of the Danish Working Environment Authority may, following negotiation with the Danish Health Authority, lay down specific rules regarding the medical examinations, etc. stipulated in Sections 2-4.

(2) The medical doctor performing examinations pursuant to Section 2 shall submit a statement regarding each examination to the Danish Working Environment Authority and shall inform the examinee of the results. The Danish Working Environment Authority will notify the employer in question or, if the work is not to be performed for an employer, the examinee as to whether the work may be commenced.

(3) The medical doctor performing examinations, etc. pursuant to Section 3 and Section 4 shall submit a statement regarding each examination, etc. to the Danish Working Environment Authority and shall inform examinees of the results. The results of the examination, etc. of employees may not be passed on to the employer. The Danish Working Environment Authority will decide on any necessary actions, if necessary following negotiation with the Danish Health Authority.

(4) The medical doctor performing the examinations pursuant to this Executive Order shall retain the results and records upon which such examinations are based until the examinee has or would have attained the age of 75 years, but in any case for not less than 30 years after the examinee ceased performing the work; cf. the Danish Working Environment Authority's Executive Order on Occupational Medical Examinations in Accordance with the Working Environment Act²

Section 8. In special circumstances, the Director-General of the Danish Working Environment Authority may permit non-compliance with the provisions of this Executive Order if deemed reasonable and wholly defensible and to the extent compatible with Directive No. 2013/59/EURATOM laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation.

Section 9. The Danish Working Environment Authority's decisions pursuant to this Executive Order may be appealed in accordance with Section 81 of the Working Environment Act.

Section 10. Unless a more severe penalty is due under the Working Environment Act or other legislation, any of the following contraventions shall be punishable by a fine or by imprisonment for any term not exceeding 2 years:

1) contravention of Section 1(2), Sections 2-5 and Section 7(2) and (3);

2) non-compliance with prohibitions or orders issued pursuant to this Executive Order; or

3) disregard for the terms and conditions of licensing pursuant to this Executive Order.

(2) For contravention of Sections 2-6, an employer may be liable for a fine, even if the contravention cannot be attributed to the employer as intentional or negligent. No alternative penalty shall be stipulated in lieu of such a fine.

(3) Companies etc. (legal persons) may be held criminally liable according to the rules of Chapter 5 of the Danish Criminal Code.

Section 11. This Executive Order shall enter into force on 6 February 2018.

(2) Executive Order No. 206 of 23 March 1990 on Medical Surveillance of Occupational Exposure to Ionising Radiation is hereby repealed.

The Danish Working Environment Authority, 5 January 2018

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² (Bekendtgørelse nr. 1165 af 16. december 1992 om arbejdsmedicinske undersøgelser efter lov om arbejdsmiljø)