

The rules on medical monitoring of employees are often insufficiently known, yet the health of the employee is the key factor of any professional relationship.

The [Law 2021-1018 of August 2<sup>nd</sup>, 2021](#) to reinforce health prevention at work, and the [Decree n°2022-372 of March 16th, 2022](#) bring changes in the provisions governing the medical follow-up of employees as of March 31<sup>st</sup>, 2022.

Perfect time to review the medical follow-up of your employees.

We are all aware of the obligation to organize occupational health services and to make an appointment at the time of hiring for an information and prevention visit (“visite d’information et de prévention”), and then throughout the contract, for periodic follow-up consultations.

What is sometimes less well known are the preventive measures intended to allow employees to go through their professional period in the best possible conditions, and the omission of which can have serious consequences, as much for the employee as for the employer.

**Return appointment (“Visite de reprise”) :**

After some absences and depending on their length, a return appointment is *mandatory* within 8 days of returning to work following :

- a maternity leave,

Return and pre-return appointment: “*Visite de reprise et visite de pré-reprise* »

- a sick leave due to an occupational disease, regardless of its duration,
- a sick leave consecutive to a work accident lasting more than 30 days,
- a sick leave for any other illness or accident for **more than 60 days** ( as opposed to 30 days previously).

When mandatory, it is the return appointment that puts an end to the suspension of the employment contract. This implies that if it is omitted, the contract remains legally suspended.

**Pre-return appointment (“Visite de pré-reprise”) :**

A *pre-return* appointment may now be organized whenever the employee is off work for more than 30 days (as opposed to 3 months previously), in order to anticipate the conditions of his return to work.

A new duty of information is introduced for the employer: the obligation to inform the employee of his right to request a pre-return appointment.

### Creation of a linking meeting: “rendez-vous de liaison”

The legislator's avowed purpose is to fight against professional withdrawal.

To this end, a so-called linking meeting (“rendez-vous de liaison”) has been created in the event of work absences of more than 30 days. This meeting, *which is optional*, is held between the employee and the employer, with the support of occupational health services.

The aim is for the two parties involved in the professional relationship to examine the actions that may be implemented in order to facilitate a return to work.

### Career-long follow-up

#### **End-of-career medical check-up: (« Visite de fin de carrière ») :**

Employees *subject to enhanced medical monitoring* due to their assignment to high-risk positions have benefited since October 2021 from an end-of-career medical check-up, the purpose of which is to draw up an inventory of the dates of the employee's exposure to one or more specific risk factors.

#### **Post-exposure medical check-up: (“Visite post exposition”) :**

As of March 31<sup>st</sup>, 2022, these same employees *subject to enhanced medical monitoring* will be entitled to an occupational health examination by the occupational physician as soon as possible after they have stopped being exposed to these risks. It is the employer's responsibility to inform the occupational health service of this change, and the employee of the transmission of this information.

#### **Mid-career appointment (“Visite de mi-carrière”) :**

*For all employees*, a mid-career check-up has been introduced, the purpose of which is to assess the adequacy of the employee's state of health and the position held, to evaluate the risks of professional withdrawal, and to discuss with the employee the issue of ageing at work and the prevention of professional risks. This appointment is to be organized in the conditions negotiated in the collective agreement, or if not for the 45<sup>th</sup> anniversary of the employee.

***You happen to have questions regarding the medical follow-up of your employees? Our lawyers remain at your disposal to help you out.***