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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 49**

**The Working Time Regulations (Northern Ireland) 2016**

**PART 2**

**Rights and Obligations Concerning Working Time**

**Health assessment and transfer of night workers to day work**

- 9.—(1) An employer—
- (a) shall not assign an adult worker to work which is to be undertaken during periods such that the worker will become a night worker unless—
    - (i) the employer has ensured that the worker will have the opportunity of a free health assessment before the worker takes up the assignment; or
    - (ii) the worker had a health assessment before being assigned to work to be undertaken during such periods on an earlier occasion, and the employer has no reason to believe that that assessment is no longer valid; and
  - (b) shall ensure that each night worker has the opportunity of a free health assessment at regular intervals of whatever duration may be appropriate in each case.
- (2) Subject to paragraph (4), an employer—
- (a) shall not assign a young worker to work during the restricted period unless—
    - (i) the employer has ensured that the young worker will have the opportunity of a free assessment of health and capacities before taking up the assignment; or
    - (ii) the young worker had an assessment of health and capacities before being assigned to work during the restricted period on an earlier occasion, and the employer has no reason to believe that that assessment is no longer valid; and
  - (b) shall ensure that each young worker employed and assigned to work during the restricted period has the opportunity of a free assessment of health and capacities at regular intervals of whatever duration may be appropriate in each case.
- (3) For the purposes of paragraphs (1) and (2), an assessment is free if it is at no cost to the worker to whom it relates.
- (4) The requirements in paragraph (2) do not apply in a case where the work a young worker is assigned to do is of an exceptional nature.
- (5) A person shall not disclose an assessment made for the purposes of this regulation to any person other than the worker to whom it relates, unless—
- (a) the worker has given consent in writing to the disclosure, or
  - (b) the disclosure is confined to a statement that the assessment shows the worker to be fit—
    - (i) in a case where paragraph (1)(a)(i) or (2)(a)(i) applies, to take up an assignment, or
    - (ii) in a case where paragraph (1)(b) or (2)(b) applies, to continue to undertake an assignment.

(6) Where—

- (a) a registered medical practitioner has advised an employer that a worker employed by the employer is suffering from health problems which the practitioner considers to be connected with the fact that the worker performs night work, and
- (b) it is possible for the employer to transfer the worker to work—
  - (i) to which the worker is suited, and
  - (ii) which is to be undertaken during periods such that the worker will cease to be a night worker,

the employer shall transfer the worker accordingly.