



## EMP25 FITNESS FOR WORK

Aim	To provide guidance on Council's expectations of employees in relation to fitness for work
Application	All workers performing work (paid and unpaid) for the Shire, including but not limited to direct hire, contractors, labour hire, project workers, volunteers and those performing work through a third party.
Statutory Environment	<i>Occupational Health &amp; Safety Act 1984</i> Fair Work Regulations 2009
Principles	Strategic Community Plan 2017 – 2027 (2019 Desktop Review)  Goal 05 Inspiring Governance Objective 4 Exemplary team and work environment
Approval Date	OMC 17 December 2019 (MINUTE: 722/2019)

### 1 INTRODUCTION

#### 1.1 Objectives

The principle objective of this Policy is to highlight the Shire of Ashburton's ongoing commitment to its workers and meeting its obligations under the *Occupational Safety & Health Act 1984* of creating and maintaining a safe work environment, by managing and reducing the risks associated with personnel presenting to, or throughout the day, being in an unfit state.

#### 1.2 Purpose

The purpose of this Policy is to identify the risks and to put measures in place to ensure all workers are aware of their obligations and the Shire's commitment to fitness for work. Conditions which could impact on a person's fitness for work (FFW) include, but are not limited to:

- Sleep deprivation
- Physical injury
- Temporary or ongoing illness
- Alcohol use and subsequent impairment
- Other drug use; prescription, over the counter and illicit
- Stress
- Emotional distress
- Mental health
- Grief and loss
- Family issues



### **1.3 Scope**

This Policy applies to all workers performing work (paid and unpaid) for the Shire, including but not limited to direct hire, contractors, labour hire, project workers, volunteers and those performing work through a third party.

## **2 RESPONSIBILITIES**

### **2.1 Directors, Supervisors and Leaders**

Directors, Supervisors and Leaders remain accountable for the following in relation to FFW at the Shire:

- Assess and report on any person who appears to be, or has been reported as being, unfit for duty
- Seek advice from the Human Resources (HR) Team if they are concerned a person may not be fit for work
- Ensure workers comply with this Policy
- Maintain accurate and confidential documentation relating to FFW events
- Reinforce the need for reporting any FFW issues and for individual self-awareness and management of their exposure to alcohol and other drugs to ensure safe work conditions for all

### **2.2 All Personnel**

All persons performing work for the Shire remain accountable for the following in relation to FFW at the Shire:

- Ensure they are fit for work with no impairment or other factors that compromise their own safety, or the safety of others
- Notify their direct Supervisor, Shire representative or HR if they are concerned about their FFW
- Participate in health, wellbeing and FFW activities where requested by the Shire
- Comply with health monitoring and FFW requirements

## **3 FITNESS FOR WORK CONTROLS**

### **3.1 Medical Assessments**

The purpose of medical assessments is to identify and allow the Shire to manage preexisting conditions, injuries or illnesses which may otherwise predispose personnel to further injury or illness.

Depending on the role and risk, candidates may be required to undergo pre-employment medical assessments prior to appointment. The pre-employment medical assessment measures the individual's functional capacity against the Position Description and range of tasks involved in the role.

### **3.2 Pre-Employment Medical Assessment Requirements**

The following table outlines the general pre-employment medical assessment (PEMA) requirements based on the risk of the role. The Shire may also at any time request additional assessments to be completed. A PEMA must be completed by a certified medical practitioner.



Risk ID	Examples of Roles	Medical Requirement
Low Risk	Nonphysical roles e.g. Administration, Finance, primarily office based	Medical declaration questionnaire and Drug and Alcohol Screen (DAS) prior to
Medium & High Risk	Field presence and small physical labour requirement or physical and labor intensive roles e.g. Safety Advisors, Technical Services, Rangers, Waste Operators, Town Maintenance Officers, Cleaners	Full medical assessment prior to commencement (PEM, Audiometry, and Spirometry & DAS).

### 3.3 Health Surveillance

Various health surveillance or health related activities may be requested by Health & Safety at any time which may include but is not limited to the following:

- Pathology testing
- Spirometry testing
- Fit testing
- Biochemical
- Skin screening

Health Surveillance is conducted for the purpose of monitoring changes to a person's health as a result of exposure to hazardous substances in accordance with the *Occupational Safety and Health Regulations 1996*.

The Shire will be responsible for Health Surveillance expenses and employees are expected to participate where requested and reasonable.

### 3.4 Training

All personnel will be inducted as to the requirements and their responsibility to present to work in a fit state as well as resources and support services available to them to help manage this process.

Authorised collectors shall be trained and qualified. Regular audits will be completed to ensure correct standards and protocols are maintained.

### 3.5 Drug & Alcohol Screens

All personnel may be subject to drug and alcohol testing on entry to site, commencement of work or at any time whilst performing work for the Shire. Testing (other than self-testing) will be conducted in accordance with AS/NZ Standards applicable at the time of testing by a suitably trained, qualified collector.

The Shire has a zero (0.00%) alcohol limit, and measures drug levels in accordance with AS/NZ Standards.

Types of testing are detailed in **Appendix A**.



### **3.6 Prescription Medication**

Prior to undertaking testing, the person must advise the tester if they are taking any medication such as over the counter or prescription. An attempt to declare after testing will not be considered under any circumstances. Some prescription and over the counter medication can register as a non-negative result when drug testing occurs. For example:

- Codeine™ with Opioids
- Codral™ with Opioids
- Demazin™ with Amphetamines
- Actifed™ with Amphetamines

All personnel have a responsibility to ensure they have consulted with their doctor or pharmacist as to what effect the drug or medication may have and if there is a risk that it may adversely affect their fitness for work, or lead to a positive test result.

If at any time personnel is taking medication or drugs which may affect their fitness for work, they have a responsibility to declare this to their Direct Supervisor or Human Resources in writing. This will allow the Direct Supervisor or Human Resources to arrange safe and suitable work tasks are assigned (where possible) or seek appropriate information to ensure the person and/or others are not placed at risk.

### **3.7 Mental Wellbeing**

Mental wellbeing is a crucial factor for the overall health of employees in the workplace. Both internal and external factors can be a contributor to poor mental wellbeing and the Shire encourages employees to self-monitor and seek assistance if/where required.

Poor mental wellbeing can present itself in many ways and may include:

- Mood swings
- Low energy and motivation
- Anxiety and/or excessive worry
- Withdrawal
- Extreme confidence or energy

Where a person is considered unfit for work due to their level of mental wellbeing, they may be stood down from duties until such time as they are deemed fit to return. Any removal from the workplace or duties will only be done in consultation with HR.

### **Fatigue Management**

Fatigue is a general term used to describe the feeling of being tired, drained or exhausted and is accompanied by poor judgment, slower reactions to events and decreased skill levels. Where the effects of fatigue and/or the nature of the work being performed induces fatigue causing impairment to a person's health and safety, the Shire will ensure that appropriate and reasonable action is taken. Identification of personnel who may be affected by fatigue may include:

- Self-assessment and voluntary disclosure by the person affected



- Direct observation of the persons behaviour
- Following workplace incidents or investigations

Where a person is unfit for work due to fatigue, they may be stood down from duties until such time as they are deemed fit to return. Any removal from the workplace or duties will only be done in consultation with HR.

### **3.8 Employee Assistance Program**

To assist personnel, the Shire's Employee Assistance Program is available to all Shire employees and their immediate family members. The program consists of professional counselling services in a number of areas, which include, but are not limited to:

- Drugs and alcohol
- Personal affairs
- Support services
- Addictions
- Stress

Contract companies should ensure they have a designated contact point for their personnel to approach to and discuss any related issue. These discussions must remain confidential.

### **3.9 Provision for Medical Assessment**

A person may be referred to a certified medical practitioner of the Shires choosing for a fitness for work medical assessment coordinated by HR where the Shire has a genuine indication of the need for such examination and in deciding the need will take into account the following:

- Has there been a prolonged absence from the workplace without explanation or evidence?
- Has adequate medical information been provided to explain the absence and demonstrate the person's fitness for work?
- What level of risk is involved in the person's normal duties?
- Are there legitimate concerns that the person's illness or injury will impact on others in the workplace?

Where a certified medical practitioner will not, or is unable to confirm a person's fitness for the stated duties, they will be requested to refer the person to a specialist. Further action will be dependent on the fitness for duty report.

### **3.10 Work Related Injury or Illness**

All work related injuries or illnesses will be dealt with by the Health & Safety Team in accordance with Injury Management and/or Workers Compensations processes.

### **3.11 Non-Work Related Injury or Illness (NWRI)**

Non work related injury or illness (including physical, mental or psychological conditions) are those which do not arise out of the course of employment or have not been deemed compensable under the *Workers Compensation and Injury Management Act 1981*. If an employee experiences a significant non work related injury or illness that has the potential to impact on their ability to



undertake the full duties of their position, then a medical clearance from their treating practitioner, confirming the employees abilities to undertake the duties of their role, will be required before returning to work.

If an employee presents to work and is subsequently unable to carry out the duties of their position, or where their Supervisor reasonably believes there is a risk to them or other employees, the employee may be stood down in consultation with HR until independent medical advice is received, confirming their fitness for work.

### **3.12 Alcohol and Drugs in Shire Workplaces**

Unless there is express written permission from the CEO, no personnel are to consume or store alcohol and/or drugs in Shire workplaces. This includes any place where work is conducted and in Shire vehicles.

Random searches of workplaces and vehicles may be conducted which may include bag searches.

Where an approved event has taken place in a Shire workplace, any remaining alcohol must be removed immediately following the event.

## **4 RISKMANAGEMENT**

### **4.1 Self-Management**

Any person, who believes they may be unfit for work for any reason is expected to inform their Direct Supervisor accordingly and not to commence work.

Self-management is also supported by access to hand held and wall mounted testing units, available on request. The results from these units are for personal use only and cannot be used as evidence.

### **4.2 Identify & Assess**

Where it is suspected that a person has presented to work in an unfit condition or such condition arises while at work, an assessment must be carried out and may include:

- Face to face discussion between Direct Supervisor and the employee
- Determine whether prescribed or over the counter medication may be producing their behaviour
- Assess work duties that may contribute to levels of stress or fatigue
- Arrange for a medical assessment (in conjunction with HR)
- Arrange for testing of alcohol and/or other drugs
- Psychological/emotional assessment
- Where practicable, obtain witness statement of incident involving affected person

#### **Action**

If, following an assessment, there is concern for the wellbeing of the person and their fitness for work, then appropriate action to ensure their safety is to be taken. Such action may include:

- Arrangements for further medical treatment
- Offer for appropriate and reasonable counselling such as EAP services



- The person being stood down from duties and suitable transport being arranged
- Inform the person they are being stood down from work pending investigation
- Develop an appropriate review and case management plan if applicable
- Keep in regular contact with the person, offer support and assistance where appropriate.
- Consultation with HR is essential as is confidential documentation

## **5 DISCIPLINARY ACTION**

Section 1.07(3)(b) of the *Fair Work Regulations 2009* defines serious misconduct as an employee being intoxicated at work and as such, non-compliance with this Policy may result in disciplinary action being taken, up to and including termination of employment, or removal from the Shire workplace if a contractor.

Each case of fitness for work will be treated individually and will be in accordance with Shire Policies, Standards and related Directives.

If personnel refuse a request to undertake a test in accordance with this Policy, or intentionally leave the workplace without participating in a test, they will be deemed to have returned a confirmed positive result. The collector must notify HR and the persons Director immediately for all positive and non-negative cases.

## **6 RECORDKEEPING**

All test results, whether positive or negative, will be maintained in a confidential personnel file in accordance with recording keeping requirements.

Non-negative drug screening test result will not be considered a positive result until confirmed by a secondary confirmatory test.

## **7 RELATED DOCUMENTS**

*Shire of Ashburton Enterprise Agreement 2017 (or superseded)*

## **8 APPENDICES**

### **8.1 APPENDIX A - Types of Testing Random Testing**

It is a condition of work with the Shire that all personnel will submit to random drug and alcohol testing if selected.

Positive results for illicit drugs, miss-use or failure to declare illicit drugs or alcohol, or other relevant information (such as a person's refusal to test or tamper with a sample) will be provided to the Shire's HR Team, CEO and relevant Director. If the person is a contractor, this information will be provided to their employer who will be expected to implement appropriate action in accordance with this Policy.



### **Blanket Testing**

The Shire will administer blanket testing of personnel for drugs and/or alcohol at any time. Blanket testing is defined as testing of persons within a defined area or work group at any time, including consecutive testing carried out each day.

### **For Cause Testing**

For cause testing will be carried out where:

1. There is an incident;
2. The person displays behaviour that raised concerns; or
3. There is evidence of possible recent drug or alcohol use.

Information about for cause test results may be made available if required, for any subsequent incident investigations.

For cause testing will only be carried out following approval from HR in consultation with the S&W Team.

### **Alcohol Self-Testing**

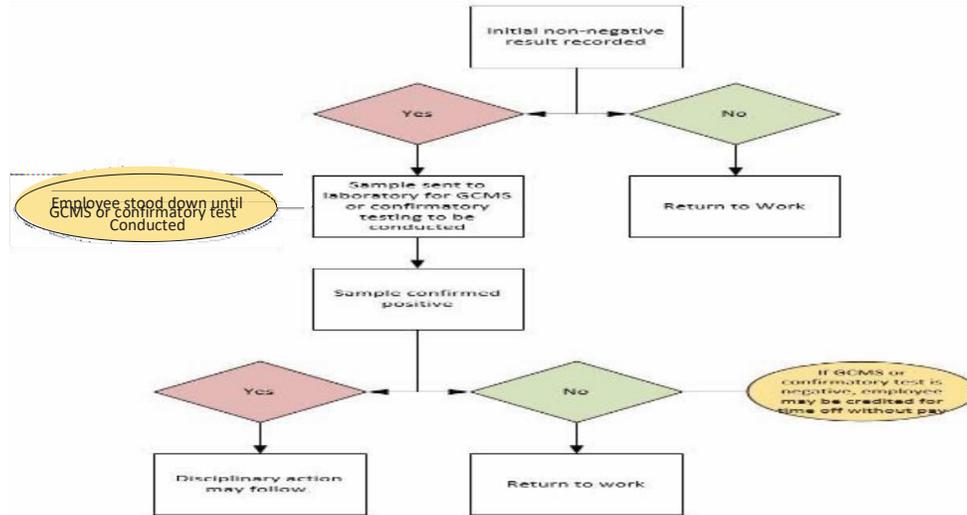
Personnel may choose to regulate their own fitness for work by undertaking a self-test prior to presenting for work.

Where following self-testing a person notifies his or her Direct Supervisor that they will not be commencing work due to fitness for, the Direct Supervisor must make arrangements for the safe transport of the person to their accommodation as appropriate.

NOTE: Self testing is not considered to be a positive result for the purpose of this Policy and will be managed through appropriate performance management as an attendance issue, not as fitness for work.



## 8.2 APPENDIX B – Testing Procedure (Drugs and Illicit Substances)





### 8.3 Appendix C – Testing Procedure (Alcohol - BrAC)

