

## MP-081 Fitness for Work

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### 1. OBJECTIVE

To fulfil our duty of care obligations, the City of Swan (the City) is committed to the safety and health of all individuals associated with its operations. To achieve this, the City must endeavour to ensure that all workers are "fit for work" whilst on City Business and/or City premises through a process of education, awareness, assistance and counselling, or in the event of a breach of this Management Practice, the application of appropriate disciplinary procedures.

The objective of the Management Practice is to provide a safe working environment for all workers working for, or carrying out work on behalf of, the City and for visitors using its services.

### 2. PRINCIPLES

The principles underlying this Management Practice are to:

- a) reasonably assist the City meets its legal obligations with respect to providing a safe working environment for its workers that minimises the risk of injury due to any act or omission by themselves or others;
- b) reasonably ensure that the City meets its obligations to its workers and to the general public to carry out all its activities safely;
- c) provide assistance through a full range of preventive, educational and rehabilitative measures to overcome problems that could impair a worker's fitness for work;
- d) ensure all workers who are deemed unfit for work are treated in an effective, fair, consistent, reasonable and confidential manner;
- e) provide education and awareness of the health and safety consequences of the misuse of alcohol and other drugs;
- f) monitor fitness for work through appropriate measures, including supervision, independent medical assessments and drug and alcohol testing;
- g) provide support to its workers, including through access to the EAP where appropriate; and
- h) ensure where necessary the appropriate steps and corrective action is taken.

### 3. MANAGEMENT PRACTICE STATEMENT

The City recognises that a worker's fitness for work may be adversely affected by a variety of factors including, but not limited to, the effects of fatigue, stress, injury/illness, alcohol or drugs. These factors can lead to major deficiencies in the worker's performance and can be a contributing factor in regard to workplace safety and/or incidents.

The Fitness for Work Management Practice and process provides a framework for dealing with these difficult and often sensitive issues. The City believes that early intervention strategies can assist workers to address difficult situations, which may otherwise place their health, safety and wellbeing, or that of others at risk.

## **4. APPLICATION OF THE PRACTICE**

This Management Practice applies to all City workers on all sites and whilst performing (or meant to be performing) duties on behalf of the City.

In house contractors (supervised in the same way as an employee) performing services on City work sites will be required, as a minimum, to be fit for work as defined by this Management Practice and adopt measures that are set out in this Management Practice.

Contractors (working under City supervision or direction) and Main Contractors (given possession/control of the work site) working on site may be subject to the Management Practice depending on the terms of their contract as decided by the City based on a risk assessment.

Workers, who work in certain facilities and services provided by the City, may be bound by site specific regulations, which apply more stringent requirements regarding fitness for work issues. Where that is the case, the requirements of the regulations will override the relevant conditions in this Management Practice.

## **5. ASSESSMENT OF FITNESS FOR WORK**

A range of assessments and tests may be used to assess Fitness for Work.

Workers are required to recognise when their fitness for work is affected and determine if assistance is needed. The City may identify that a worker's fitness for work is impacted and take action such as altering the work requirements, removing the worker from an environment or recommending EAP services. It may also be determined that testing is necessary.

Each situation, incident and work role will determine which type of medical test or fitness for work assessment may be necessary for the specific circumstance/s. These may include but are not limited to:

- Medical Assessments
- Audio and Visual Assessment
- Lung Function Testing
- Drug and Alcohol Testing including Gas Chromatography Mass Spectrometry (GCMS)
- Musculoskeletal Assessment
- Back and Flexibility Assessment
- Workplace assessment
- Lifestyle Questionnaires for specific issues such as fatigue management
- Psychological Assessment
- Psychometric Testing

### **5.1 Pre-employment**

Prior to any offer of employment (including a job change and/or contract renewal) a prospective worker will be required to undergo a pre-employment assessment and / or declaration and drug and alcohol test.

- Pre-employment medical assessments

The specific requirements for either medical assessment or declaration according to the functions of the role to be undertaken is determined by the Occupational Safety and Health team in conjunction with the Manager, Human Resources. The Manager, Human Resources will review and approve the list of roles annually.

Potential and current employees will attend an assessment before an offer of employment can be confirmed. This will also apply to current employees who have not previously been medically assessed if it is a requirement of a new role.

- Pre-employment medical declaration

Potential and current employees identified for any role that does not require a medical assessment will be required to complete the minimum requirement of a medical declaration to determine risk and/or fitness for work.

- Drug and alcohol testing

All potential employees are required to have a pre-employment drug and alcohol test done prior to being approved for employment. This requirement also applies to current employees who are approved for a job change and/or where an employment contract is to be renewed. Current employees who are changing roles or will receive a new contract are required to undergo testing where their most recent drug and alcohol test was more than 12 months prior to the new contract start date.

A preferred candidate who has previously been employed by the City will be required to undergo a drug and alcohol test if the last date of employment by the City is greater than 30 calendar days. The Manager, Human Resources may with justification be able to extend the period of 30 calendar days. This will only be a consideration in exceptional circumstances.

Notwithstanding the above provision, the Manager, Human Resources may require a preferred candidate to undergo a drug and alcohol test at any stage during the employment process.

Where a prospective worker returns a positive test result (that is not medically explainable) then that person may not be appointed to that position. If they are currently employed then it shall be regarded as a positive result under this Management Practice.

These tests will be undertaken by the City's provider in accordance with AS/NZS 4308:2008.

## **5.2 Ongoing Medical Assessments**

Workers may reasonably be required to provide a medical clearance, or attend a medical practitioner nominated by the City, in relation to their fitness for work, where the worker:

- requires an extended period of personal leave (whether in one continuous period or numerous periods close together);
- seeks to return to work following an extended period of absence due to personal illness or injury;
- has been affected by personal illness or injury which may impact on the worker's ability to safely perform their duties; or
- has a diminished standard of work performance that may be attributed to an illness or injury.

### **5.3 Reasonable Cause**

Workers may be directed by the City to attend a medical and / or psychological assessment where there are reasonable grounds to believe the worker's fitness for work may be impaired by physical or mental illness, injury, stress, fatigue or any other condition.

### **5.4 Alcohol and Drug Testing**

Testing is used to deter the use of alcohol and drugs in the workplace and reduce the level of risk of incidents from alcohol and drugs, and to assist the City to meet its legal and moral obligations to provide a safe and healthy workplace.

Testing shall be carried out as follows:

- as part of pre-employment assessments;
- prior to job changes/contract renewal
- random/blanket testing;
- testing for reasonable cause;
- any other instance approved by the Manager, Human Resources; or
- the Manager, Human Resource will consider any prior credible/acceptable medication declaration by the employee when assessing Drug and Alcohol testing results. If the employee has not declared the medication prior to the testing event, the Fitness for Work Process (HR-PRO-034) will be followed and the employee could be stood down in the event of a non-negative test.

### **5.5 Random and Blanket Testing**

The City reserves the right to carry out either random and/or blanket testing of workers for alcohol and/or drugs at any time.

### **5.6 Reasonable Cause Testing**

Workers will be directed to attend drug and/or alcohol testing where there are reasonable grounds to believe the worker's fitness for work may be affected by drugs and/or alcohol, or there is a work-related incident. Reasonable Cause Test should be taken as soon as is practicable after an incident or reasonable grounds are identified.

All incidents involving workers that are rated Moderate or above on the City's Definition and Classification of Risk Consequence must undergo testing.

Incidents that are minor or insignificant will be referred to the Manager/Coordinator Human Resources who will use the following criteria to determine whether testing is required. These criteria include, but are not limited to, the following:

- an incident in the workplace, where health and safety obligations appear to have been contravened;
- an act of misconduct/serious misconduct may have occurred;
- vehicle incident (including personal vehicles used for work purposes);
- injury to any person;
- property damage;
- reportable near misses;

- a decline in work performance, work attendance or other irrational behaviour; or
- an act of negligence or carelessness in regards to the health and safety requirements.

NOTE: the above criteria will be used as a guide; it is not limited / exhaustive.

## **6. INTERFACES WITH OTHER SYSTEMS AND PROCESSES**

This Management Practice interfaces with the following.

### **6.1 Interfaces with Legislation, Australian Standards, Policies and Processes**

- a) Safety Legislation.
- b) Industrial Relations Legislation.
- c) Australian Standard AS/NZS 4308-2008 "Recommended Practise for the Collection, Detection and Quantification of Drugs of Abuse in Urine".
- d) Any other relevant legislation.
- e) City policies, management practices, guidelines and processes.

### **6.2 Precedence**

- a) With Legislation and Australian Standards
- b) The Fitness for Work Management Practice is subject to the requirements and procedures of any legislation and Australian Standards

## **7. RESPONSIBILITIES**

### **7.1 Duty of Care**

The City and all workers performing duties for, or on behalf of the City, have obligations under the "duty of care" provisions in safety legislation and at common law.

#### **7.1.1 Duty of the Employer**

Under common law and safety legislation, the City is obliged to provide safe work places and safe systems of work and to identify and protect against workplace hazards. Part of the duty of care includes taking reasonable precautions to ensure all individuals on its sites are in a fit state to work so as to minimise risks both to themselves and others.

This duty of care is implemented through the City's management structure. To meet this duty, management have a responsibility to consider and assess an individual worker's fitness for work. It is the responsibility of leaders to identify and manage any potential fitness for work issues with the appropriate action and support.

It is vital that fitness for work issues be investigated fairly and consistently across the organisation. The Manager/Coordinator Human Resources will confirm the action to take in the case of a question arising regarding fitness for work, particularly where it may constitute a breach of this Management Practice.

#### **7.1.2 Duty of Workers**

Workers have a duty to take reasonable care for their own safety and health at work; and to avoid adversely affecting the safety and health of another person through any act or omission at work.

An important part of this duty is the responsibility to ensure that they are in a fit state to work at the start of and throughout the work period. Workers also have a duty to identify and report safety issues to the City.

## 7.2 Confidentiality and Protection of Privacy

All relevant information, including but not limited to medical assessments and reviews, will be safeguarded according to the requirements for confidential human resource management and medical information. Information will only be released in cases where such information is necessary under the City's duty of care obligation to ensure safety, health and effective performance wherever City work is being carried out.

No information relating to this Management Practice and/or identifying a particular individual will be released by the City to anyone outside the organisation without the written consent of the individual concerned, subject to the City's rights to seek professional advice and/or legal representation or as legally required.

The release of information within the organisation will be based on a 'need to know' principle and as such will generally be restricted to the worker involved, the relevant managers or line managers, the Manager, Human Resources and the Executive Director.

## Document Control

Document Approvals:			
Version #	Executive Approval		
1.	Executive Team Meeting 19/08/2008		
2.	Ordinary Meeting of Council 24/09/2008 PtB-1.7 - Original policy adopted 2003. Policy forms part of the City's employment package.		
3.	Ordinary Meeting of Council 22/05/2013 - adopted revised policy.		
4.	Ordinary Meeting of Council 10/09/2014 - adopted policy for 2 years		
5.	Ordinary Meeting of Council 16/12/2015 - adopted reclassification of policy and noted amendments		
6.	Executive Team Meeting 31 October 2017 - approved reviewed management practice.		
7.	Executive Team Meeting 25 June 2019 - approved amendments to management practice.		
8.	Executive Team Meeting 14 December 2021 - approved amendments to management practice.		
Document Responsibilities			
<b>Custodian:</b>	Manager Human Resources	<b>Custodian Unit:</b>	Human Resources
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Compliance Requirements:			
<b>Legislation:</b>	Occupational Safety & Health Act 1984 (WA) Fair Work Act 2009 Industrial Relations Act 1979 (WA) Australian Standard AS/NZS 4308-2008 "Recommended Practise for the collection, detection and quantification of Drugs of Abuse in Urine". The Fitness for Work Management Practice is subject to the requirements and procedures of any legislation and Australian Standards.		
<b>Industry:</b>			
<b>Organisational:</b>	Code of Conduct		
<b>Strategic Community Plan:</b>	G2.1 Improve capability and capacity		