

Policy Number:	RM 4
Policy Type:	Risk Management
Policy Name:	Fitness for Work
Policy Owner:	Chief Executive Officer

PURPOSE

The Shire of Nannup is committed to the safety and health of its employees and has a duty of care under the Occupational Safety and Health Act, 1984 to provide a safe working environment. Council recognises that this duty is incumbent on all employees and extends to co-workers and individuals to prevent their safety and health from being jeopardised through an act or omission of an employee who is unfit for work.

SCOPE

All employees will be requested to complete an annual medical declaration to identify any issues which may affect safe working.

For the purpose of meeting our duty of care, employees who attend work under the influence of, in possession of drugs and/or alcohol, or being in any other way impaired for work, will not be tolerated by the Shire of Nannup. In order to ensure that this duty is fulfilled, Council has implemented this procedure in the interests of occupational safety and health.

Those who are suspected or found to be under the influence of drugs or alcohol at work, will be submitted for a drug and alcohol test. If the test proves positive, the employee will subsequently be stood down from work without pay.

Those who fail to follow this procedure will be appropriately counselled and, depending on the severity of their actions, may also be suspended without pay or dismissed without notice.

RESPONSIBILITIES

It is the responsibility of the direct supervisor or manager to recognise an employee who is displaying signs of impaired work performance.

It is the responsibility of employees to ensure they do not attend work in a condition which will affect their work performance, or that could endanger work colleagues or members of the public or cause damage to Council equipment.

The Shire of Nannup believes that the health and wellbeing of an employee is of great importance to the organisation. An employee assistance program will be offered in order to support any affected employee.

All matters pertaining to fitness for work will be treated with the utmost confidentiality and any employee of Council who is interested in receiving counselling services should seek approval from their Manager.

Definitions

For the purpose of this policy and procedure, the following definitions apply:

- Impaired Work Performance - sudden or gradual deterioration in a person's ability to function appropriately at work.
- Unfit for Work – being impaired for work and therefore unable to perform duties in a safe manner, including unfit through illness.
- Use – eating, drinking, inhaling, injecting or dermal absorption of any substance or drug.
- Misuse – inappropriate use of a substance on the premise or property, including overdose of a drug or the failure to take a drug in accordance with medical advice.
- Alcohol – Any beverage containing alcohol.
- Drugs – Amphetamines, Cannabinoids THC, Opiates, Barbiturates, Cocaine, Methadone, Benzodiazepines, Alcohol and other narcotics, prescription drugs and non-prescription drugs.
- Substance – any drug that may have adverse effects causing impaired work performance.
- Fatigue – The inability to perform work effectively or safely due to lack of sleep or the adverse effects of medication, alcohol, drugs and / or other substances (including, “hangovers” and/or “come downs”).
- Fit for Work – not being under the influence of or affected by the adverse effects of drugs, alcohol or any other substance or not being fatigued.

APPLICATION

Alcohol

Being under the influence of alcohol will not be permitted whilst working for the Shire of Nannup. Employees who commence work whilst under the influence of alcohol, including working under the adverse effects of alcohol, will be stood down from their duties and taken to the nearest hospital for a blood alcohol test. If a blood alcohol level is deemed to be 0.05 and over, employees will be sent home without pay for the remainder of the day. As the employee will be over the legal limit to drive, alternative transport will be required. Any refusal to submit to testing will be deemed to be a positive result.

If the blood alcohol level is under 0.05, employees will be prohibited to operate machinery, plant or equipment until a blood alcohol content of 0.00 is reached. Sedentary duties will be offered until then.

There may be occasions where alcohol may be included as part of a work function or other recognised work event. Where management has properly approved the consumption of alcohol, employees must continue to behave in a sensible and responsible manner with due care for their own and other people's safety and wellbeing. Failure to behave in a sensible and responsible manner with due care, or any failure to follow any directions given by management with regard to the consumption of alcohol may result in disciplinary action. It is a condition of Council that employees make alternative arrangements to get home. The Shire of Nannup accepts no responsibility for employees during travel to and from the function.

Drugs and Prescription Medication

Illicit Drugs and Other Substances

Illicit drugs and other substances are strictly prohibited by the Shire of Nannup. Being under the influence of, or suffering adverse effects whilst at work, will result in disciplinary action and possibly instant dismissal.

If suspected of the above, an employee must undergo a drug screen (paid by the Shire of Nannup).

Refusal to undertake a drug screen may result in instant dismissal.

Prescription and Other Medication

It is an employee's responsibility to inform their supervisor of any medication they are taking that may cause any adverse effects and impede their working duties. It is also necessary for the employer to record any known allergic reactions to any medication an employee may have (e.g. penicillin).

Any prescription and other medication must be used in accordance with medical advice. Any non-prescription or other medication must be used in accordance with the manufacturer's recommendations.

Failure to follow these requirements will result in disciplinary action or instant dismissal.

Fatigue

Fatigue can be the result of many different situations. This procedure will therefore directly reflect the implications of fatigue through external triggers; these include (but are not limited to):

- Lack of sleep
- Voluntary Work
- External work commitments

In the interest of safety and health it is important that employees remain alert and function at full capacity whilst at work. When affected by fatigue, actions may be impaired through lack of concentration and poor judgement, therefore

increasing the potential to cause injury or harm to themselves, work colleagues or members of the public.

It is the employers' responsibility to provide a safe place of work for its employees. It is an employee's responsibility to report to their supervisors any other work commitments or voluntary commitments outside of their employment with the Shire of Nannup. Depending on the circumstances, Council may agree to come to a compromise with the employee to ensure there is an equilibrium between regular hours worked at the workplace, sleep/rest and additional hours worked elsewhere (including paid and voluntary work). If this agreement is reneged on by the employee, disciplinary action will result.

If deprivation of sleep is the cause of fatigue due to other external circumstances, a drug and alcohol screen will be required. If positive, disciplinary action will result.

In circumstances where the employee is unfit to remain at work as determined by their employer, the employee will be stood down from work without pay for the remainder of the day.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Shire of Nannup understands employees may be experiencing difficulties external to work that may influence their behaviour and health whilst at work. To assist with the recovery of the employee, Council has in place a confidential employee assistance program through its Insurers. The Shire of Nannup will offer a total of 3 counselling sessions; if further sessions are required, approval is to be obtained by the Manager.

Employees who have not failed to meet the guidelines of this procedure, and feel an EAP would benefit them due to personal circumstances, may utilise these services with the agreement of their Manager. Such employees do not contravene the guidelines of this procedure if they volunteer for the EAP service.

DISCIPLINARY ACTION

If this procedure is in any way contravened by an employee the following procedure will apply.

General Guidelines

Any employee who tests positive to an alcohol breath screen, urine screen, or found to be significantly fatigued will be stood down from their work without pay and will not be permitted to resume work until such time as they have proven they are fit for work.

First Offence:

- (i) The employee will be immediately suspended from duty without pay if found unfit to work.

- (ii) The employee will not be permitted to return to work until they have tested negative for all prescribed substances.
- (iii) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will then continue.
- (iv) The employee will be counselled by their supervisor. This will focus on:
 - a. the unacceptability of the employee's behaviour
 - b. the risk that such behaviour creates for the safety of the individual and other employees or members of the public
 - c. the employee's responsibility to demonstrate that the problem is being effectively addressed;
- (v) The employee will be formally offered the opportunity to contact a professional counsellor. The decision to undertake counselling or other treatment for alcohol or other drug or substance problems is the responsibility of the employee; however this is not mandatory.

Second Offence:

- (i) The employee will be immediately suspended from duty without pay if found unfit for work.
- (ii) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will then continue.
- (iii) The employee will not be permitted to return to work until they have tested negative for all prescribed substances.
- (iv) The employee will be counselled by their supervisor. This will focus on:
 - a. the unacceptability of the employee's behaviour
 - b. the risk that such behaviour creates for the safety of the individual and other employees or members of the public
 - c. the employee's responsibility to demonstrate that the problem is being effectively addressed;
 - d. that any future breach of the policy will result in instant dismissal.
- (vii) The employee will be instructed to contact a professional counsellor. The decision to undertake counselling or other treatment for alcohol or other drug or substance problems is the responsibility of the employee and is mandatory. The employee will be instantly dismissed without notice if they do not attend a counselling session.
- (viii) The employee will be referred [fortnightly or randomly] for alcohol and/or drug screening for a period of two months paid for by the Shire of Nannup. If tests confirm positive, instant dismissal will follow. If the employee refuses to comply, instant dismissal will follow.

Third Offence:

- (i) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will then continue.
- (ii) The employee will be immediately dismissed without notice.

Instant Dismissal:

The following are circumstances that will result in dismissal without notice:

- (i) Any attempt to falsify the drug and alcohol screen.
- (ii) Unlawful behaviour.

OTHER

If an employee is found to be heavily intoxicated, above the legal limit to drive, or extremely fatigued and they are to be sent home without pay, it is a requirement of the supervisor to:

- a) Contact the employee's next of kin to arrange pick up.
- b) If next of kin is unable to be contacted or unable to take employee home, make arrangements to get the employee home safely.

REFERENCE

- Occupational Safety and Health Act 1984;
- Occupational Safety and Health Regulation 1996, and 2005 amendments;
- AS/NZS 4360: 2004 – Risk Management

Related Policies	
Related Procedures/Documents	
Delegated Level	
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