

1 Objective

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

The objectives of the procedures are to provide a safe working environment for all employees, contractors and visitors working for, or carrying out work on behalf of, the City of Swan and for visitors using its services:

- a) To reasonably ensure that the City of Swan meets its legal obligations with respect to providing a safe working environment for its employees;
- b) To reasonably ensure that while at work, employees and contractors are provided with a safe working environment that minimises the risk of injury due to any act or omission by themselves or others;
- c) To reasonably ensure that the City of Swan meets its obligations to employees, contractors and to the general public to carry out all its activities safely;
- d) To provide assistance through a full range of preventive, educational and rehabilitative measures to overcome problems that could impair an individual's fitness for work;
- e) To ensure all employees who are deemed unfit for work are dealt with in an effective, fair and constructive manner; and
- f) To provide education and awareness of the health and safety consequences of the misuse of alcohol and other drugs.

2 Policy Statement

The City of Swan recognises that an individual's fitness for work may be affected for a variety of reasons including the adverse effects of fatigue, stress, injury/illness, alcohol or drugs (over the counter, prescription, or illicit). These factors can lead to major deficiencies in an individual's work performance and can be a contributing factor in workplace accidents.

The Fitness for Work procedure provides a framework for dealing with these difficult and often sensitive issues. The City of Swan believes that early intervention strategies can assist individuals to address a difficult situation, which may otherwise place at risk theirs and others' health and safety.

3 Definitions

"Fit for Work" means that an individual is in a state, (physically, mentally and behaviourally) which enables the employee to perform assigned tasks competently and

in a manner which does not compromise or threaten the safety or health of themselves or others.

Final determination of "Fit for Work" is based on the industrial obligations, duty of care and observations of the employer, represented by a manager, or any other person representing management, and where appropriate, in conjunction with other assessment procedures, and following due consultation with the employee.

4 Application of the Procedure

This policy applies to all City of Swan employees and contractors on all sites and whilst performing (or meant to be performing) duties on behalf of the City of Swan. Contractors performing services on City of Swan work sites will be required, as a minimum, to be fit for work as defined by this policy and adopt measures that are set out in this policy, including assessment of their employees as described in the procedures.

Employees, who work in certain facilities and services provided by the City of Swan, may be bound by regulations, which apply more stringent requirements regarding fitness for work issues. Where that is the case, the requirements of the regulations will override the conditions put down by this policy.

5 Interfaces with other Systems and Procedures

This procedure interfaces with the City's Occupational Safety and Health policies and procedures, the Equal Opportunity in the Workplace policy, Managing Poor Performance procedure and guidelines for improving performance through our Employee Assistance Program.

5.1 Interfaces with Legislation and Australian Standards

- a) WA Occupational Safety and Health Acts
- b) Relevant Industrial Relations Legislation
- c) Australian Standard AS/NZS 4308-2001 "Recommended Practise for the Collection, Detection and Quantification of Drugs of Abuse in Urine"

5.2 Precedence

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

6 Responsibilities

6.1 Duty of Care

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

6.1.1 Duty of the Employer

Under common law and relevant occupational health and safety legislation, the City of Swan is obliged to provide safe work places and safe systems of work and to eliminate hazards in the workplace. 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 delegated through the City of Swan management structure and its vicarious responsibility to ensure appropriate adherence to and application of the Fitness for Work policy.

Other breaches of policy (refer to 'Fitness for Work' procedures)

There are six breaches of policy listed in the 'Fitness for Work' procedures. All are subject to the three breach procedure; however serious breaches may result in disciplinary action, including dismissal at any time.

It is vital that discipline is applied fairly and consistently across the organisation. To ensure this, it is recommended that you refer to your HR Manager before deciding what action to take in the case of a breach of policy.

6.1.2 Duty of Employees

Employees 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. They also have a duty to identify and report safety issues to the City of Swan.

6.2 Protection of Privacy

All relevant information will be safeguarded according to the requirements for confidential human resource management and medical information. Information will only be provided in cases where such information is necessary under our Duty of Care obligation to ensure safety, health and effective performance wherever City of Swan work is being carried out.

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

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 employee, the divisional executive, the relevant managers or supervisors, the Human Resources manager and the Chief Executive officer.

Governance References

Statutory Compliance	WA Occupational Safety & Health Acts Australian Standard AS/NZS 4308-2001 "Recommended Practise for the collection, detection and quantification of Drugs of Abuse in Urine"
Industry Compliance	Relevant Industrial Relations Legislation.
Organisational Compliance	The Fitness for Work policy is subject to the requirements and procedures of any legislation and Australian Standards
Decision Maker	Council
Process Links	Fitness for Work Checklist Medication Notice Fitness for Work Breach Process April 2008 (flow chart) Fitness for Work Independent Testing Agencies Procedure - Fitness for Work (Note: All of the above were endorsed by Council at its OCM 24 September 2008 refer item 1.7 attachment)

Policy Administration

Business Unit Name	Officer Title	Contact:	
Human Resources	Occupational Safety & Health & Injury Management Coordinator	9267 9240	
Risk Complexity Classification	3/4	Review Frequency	Biennial
		Next Due	July 2010

Version	Decision Reference	Synopsis
1.	MANEX 19/08/08	
2.	Governance Committee 08/09/08 - Ref - 8.7	Review to take in legislative changes.
3.	OCM 24/09/08 - PtB -1.7	Original policy adopted 2003. Policy forms part of the City's employment package.