FITNESS FOR WORK POLICY AND PROCEDURE

1.0 Purpose

The purpose of this policy and procedure is to detail the guidelines and actions required to manage fitness for work within the workplace, including:

- Illicit drug use
- Alcohol use
- Prescription medication
- Other medication
- Fatigue
- Any other factors where concentration and agility of an employee is affected

The Shire of Ravensthorpe recognises there are many factors that have the potential to affect a person's ability to concentrate or function appropriately whilst at work. This risk could adversely affect the safety and health of the employee, other employees and/or members of the public.

This procedure outlines guidelines and the expectations of the Shire of Ravensthorpe to demonstrate their duty of care under the Occupational Safety and Health Act and control the incidence of risk of injury or accident as a result of an employee being unfit for work. Employees found to be under the influence of or suffering from the adverse effects of drugs, alcohol or any other substance whilst at work will be disciplined appropriately. Serious offences may result in instant dismissal. Third offences will result in dismissal.

Drug and alcohol tests shall also be applied to Contractors. Any positive result shall result in immediate removal of the person or persons from site.

2.0 References

- AS 4308 – 2001; Procedures for the collection, detection and quantitation of drug abuse in urine
- Occupation Safety and Health Act 1984
- Poisons Act 1964

3.0 Definitions

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

Alcohol – any substance containing alcohol

Drugs – Amphetamines, Cannabinoids THC, Opiates, Barbiturates, Cocaine, Methadone, Benzodiazepines, alcohol and other narcotics, prescription drugs and non-prescription drugs

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", etc)

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

Impaired Work Performance – sudden or gradual deterioration in a person's ability to function appropriately at work.

Misuse – inappropriate use of a substance on the Shire of Ravensthorpe premises or property, including overdose of a drug or the failure to take a prescribed drug in accordance with medical advice

Substance – any drug that may have adverse effects causing impaired work performance

Unfit for Work – being impaired for work and therefore unable to perform duties in a safe manner

Use – eating, drinking, inhaling, injecting or dermal absorption of any substance or drug

4.0 Objectives

The objectives of introducing a Fitness for Work procedure is to reduce the risk posed to the Shire of Ravensthorpe employees by the abuse of alcohol, drugs and substances or impaired work performance.

This procedure is not aimed at regulating individual's private behaviour outside the workplace providing that behaviour does not have a residual effect on work performance.

5.0 Procedure

5.1 Alcohol

Persons being under the influence of alcohol will not be permitted to work on premises or with property of the Shire of Ravensthorpe.

Employees will be given the opportunity to self-test for alcohol prior to commencing work to determine their fitness for work.

If an employee deems him/herself fit for work, commences work and subsequently appears impaired due to the influence of alcohol including working under the adverse effects of alcohol, they will be stood down from their duties and taken for a blood alcohol test. If the employee is found positive to having a blood alcohol level equal to or over the limit prescribed for the class or level of motor driver's licence held then instant dismissal may follow.

If an employee refuses a breath or blood alcohol test then instant dismissal may follow.
If the employee is over the legal limit to drive, alternative transport will be required.

All persons in charge of Council vehicles may be required to provide a breath, urine and/or other sample prior to operating a vehicle to assure compliance with the provisions of the Road Traffic Act 1974.

All employees may be be required to provide a breath, urine and/or other sample at the commencement of their shift or any other time at the discretion of Management.

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 the Shire of Ravensthorpe that employees make alternative arrangements to get home. The Shire of Ravensthorpe accepts no responsibility for employees during travel to and from the function.

5.1 Drugs and Prescription Medication

5.1.1 Illicit Drugs and Other Substances

Illicit drugs and other substances are strictly prohibited by the Shire of Ravensthorpe. Being under the influence of, suffering adverse effects or in possession of, or found to be cultivating, selling or supplying drugs or other substances whilst on the Shire of Ravensthorpe property or premises will result in disciplinary action and possibly instant dismissal.

If demonstrating signs of the above, an employee must undergo a drug screen (paid by the Shire of Ravensthorpe).

Refusal to a drug screen may result in instant dismissal.

Employees are required to determine their fitness for work prior to commencing their duties.

If an employee deems him/herself fit for work, commences work and subsequently appears impaired due to the influence of drugs including working under the adverse effect of drugs, they will be stood down from their duties and taken for a drug screen. If the employee's drug screen is found to be above the recommended threshold levels (as attached) then instant dismissal may follow.

5.1.2 Prescription and Other Medication

It is an employee's responsibility to inform their supervisor of any medication they are taking that is deemed to potentially affect their ability to perform their duties.

This information is to be recorded on their personnel file for reference in the event of an emergency.

It is also recommended for the employer to record any information regarding an employee taking prescription medication or known allergic reactions to any medication an employee may have (ie penicillin) that may be useful in a medical emergency.

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.

5.2 Fatigue

Fatigue can be the result of many different situations. Due to this, this procedure will directly reflect the implications of fatigue through the following external triggers (but are not limited to):

- Lack of sleep due to illness or other personal issues
- 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, personnel or members of the public.

It is the Shire of Ravensthorpe policy 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 their employment with the Shire of Ravensthorpe that may impact accordingly.

Depending on the circumstances, the Shire of Ravensthorpe may agree to come to a compromise with the employee to ensure there is an equilibrium between regular hours worked at the Shire of Ravensthorpe, sleep/rest and additional hours worked elsewhere (including paid and voluntary work).

If deprivation of sleep is the cause of fatigue due to other external circumstances (that are not listed above), a drug and alcohol screen may be required. If a positive result occurs, disciplinary action will result.
If sleep deprivation is due to illness or personal issues the Shire of Ravensthorpe will endeavour to find a short term compromise and support the employee in whatever capacity is appropriate.
In circumstances where the employee is unfit to remain at work as to the judgement of their employer, the employee may be stood down from work for the remainder of the day and depending on the circumstances this may occur with or without pay.

6. Disciplinary Action – Drugs and Alcohol

If the Drug and Alcohol policy or Fitness for Work procedure is in any way contravened by an employee, disciplinary action that may follow is at the discretion of the CEO or Deputy CEO.

6.1 General Guidelines

Any employee who tests positive to an alcohol or drug screen will be stood down from their work and will not be permitted to resume work until such time as they have proven they are fit for work.

Any person who is found to be significantly fatigued may also be stood down from work with or without pay, depending on the circumstances, until such time as they have proven they are fit for work.

6.2 Pre-commencement of Work

Employees are expected to present themselves fit for work on all occasions. Should an employee present him/herself for work and prior to commencing their duties is observed to be unfit for work he/she may be required to undertake an alcohol or drug screen. If the screen proves positive they will be sent home without pay. This will act as the employee's first warning. The employee will not be allowed to commence work again until they have proven themselves fit for work.

Following the first instance and warning if the employee continues to come to work unfit for work, then second and third warnings will be given. The employee may be dismissed following a third offence.

First Offence/Warning

(i) The employee may 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 been tested again and proved 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 continue.

(iv) The employee will be counselled by their supervisor and will focus on:

- The unacceptability of the employee's behaviour
- The risk that such behaviour creates for the safety of the individual and other employees or members of the public
- The employee's responsibility to demonstrate that the problem is being effectively addressed
- That any future breach of the policy will result in a second warning or instant dismissal.

(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/substance problem is the responsibility of the employee and cannot be made mandatory.

The Shire of Ravensthorpe will insist that the employee provide satisfactory evidence that the effect of work performance and/or safety has been addressed before they are permitted to return to work.

Second Offence/Warning

(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 continue.

(iii) The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.

(iv) The employee will be counselled by their supervisor that will focus on:

- The unacceptability off the employee's behaviour
- The risk that such behaviour creates for the safety of the individual and other employees or members of the public
- The employee's responsibility to demonstrate that the problem is being effectively addressed
- That any future breach of the policy will result in instant dismissal.

(v) Counselling will be offered (refer to 6.2 (v)), if counselling was not used in the first instance.

(vi) The employee will be submitted fortnightly or randomly, at the supervisor's discretion, for alcohol and/or drug screen for the period of two months, paid for by the Shire of Ravensthorpe. If screen testing confirms positive, instant dismissal may follow.

(vii) If the employee refuses to comply, instant dismissal may follow.

Third Offence/Warning

(i) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.

(ii) The employee will be immediately dismissed from duty without notice.

6.3 Post-commencement of Work

If an employee deems himself or herself fit for work, commences work and subsequently appears impaired due to the influence of alcohol or drugs including working under the adverse effects of alcohol or drugs, they will be stood down from their duties and taken for a blood alcohol test or drug screen. If the employee is found positive to having a blood alcohol level in excess of that prescribed for the class/level of licence held or a drug screen result above the cut off threshold limit (as attached) then instant dismissal may follow.

6.4 Instant Dismissal

The following are guidelines to circumstances that may result in dismissal without notice:

(i) any attempt to falsify the drug and alcohol screen

(ii) cultivating, selling or supplying drugs and/or other substances on the Shire of Ravensthorpe's premises

(iii) consumption of illicit drugs or unauthorised consumption of alcohol whilst on the work site or during the working period

(iv) unlawful behaviour.

7.0 Other

If an employee is found to be heavily intoxicated, above the legal limit to drive or extremely fatigued and they are sent home, it is a requirement of the supervisors to:

- Contact the employee's next of kin to arrange pick up
- If next of kin is unable to be contacted or unable to take employee home, alternative arrangements must be made. The employee is to be advised that their vehicle must be collected that day wherever practicable.

As part of their pre-employment medical all new employees may be required to undertake a drug and alcohol screen prior to commencing work at the Shire of Ravensthorpe.

Note:

Where they may be a time lapse between the tests being undertaken and the results being received the employee, if sent home, will be paid. However, if the test results are returned positive the pay for the relevant time will be forfeited.

ATTACHMENT 1

Additional Information – Drug Testing

Counselling

The Local Government Insurance team offers free counselling for drug related issues.

The team can be contacted via the Shire Office.

Laboratory Testing

All samples are submitted for testing to a suitably qualified laboratory.

The laboratory complies with Australian Standard 4308.2001 and is NATA accredited for quality assurance.

A 'presumptive positive result' on a screening test is if the result is above the recommended cut off threshold as stated in the Australian Standard 4308. If a presumptive positive result is found then a confirmatory test is performed.

Cut-off Threshold

As recommended by Australian Standard 4308

Class	Individual Drug	Screening Test (µg/L)	Confirmatory Tests (µg/L)
Amphetamines (ie Speed)		300	300
Benzodiazepines (ie Valium)		200	200
Opiates (ie Heroin)		300	
	Codeine		300
	Morphine		300
Cannabinoids (ie Marijuana)		50	15
Cocaine	Cocaine	300	150

µg/L = microgram per litre

ATTACHMENT 2

Drug and Alcohol Procedure Flow Chart