Fitness For Work Policy

Objective

The principal objective of this Policy is to highlight the Shire of Jerramungup's ongoing commitment to its workers and meeting its obligations under the *Work Health and Safety Act 2020* by creating and maintaining a safe work environment.

The Shire also recognises that this duty is incumbent on all employees that extends to co-workers and individuals alike to prevent their safety and health from being jeopardised by managing and reducing the risks associated with personnel presenting to, or throughout the day, being in an unfit state.

Policy

The Shire of Jerramungup is committed to the provision of a health and safety management system that eliminates or minimises risk of injury or illness to people associated with the Shire's operations.

To achieve a safe, healthy, low risk work environment, the commitment and cooperation of all our elected members, employees, contractors, volunteers and visitors is essential.

While the emphasis is on injury prevention, where injuries do occur, the Shire is committed to effective injury management, and timely return to work for all injured or ill staff members.

In support of this Policy, the Shire will:

- Establish, implement and maintain an WHS management system that complies with or exceeds all relevant legislation and subsidiary codes.
- Ensure that all employees, including contractors and volunteers, are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and to avoid adversely affecting the health or safety of others through any act or omission at work and report hazards, accidents, incidents and near misses to their supervisor.
- As far as practicable provide the necessary resources, both human and financial, to meet those requirements.
- Communicate and consult with employees in relation to all WHS matters affecting their safety in the workplace.
- Communicate and consult with employees, including contractors and volunteers, involve them in the development of practices and procedures aimed at the improvement of Work, Health and Safety performance.
- Provide safe systems of work, coordination, planning, allocation of responsibilities, information, instruction, training, and supervision to enable employees, contractors and volunteers to perform their duties in a safe and healthy environment.
- Adopt, in consultation with employees, a risk management approach to work methods, plant and machinery acquisition and workplace design, and eliminate or control those identified risks.
- Manage the rehabilitation of injured workers in conjunction with relevant medical practitioners to give them a successful return to work.
- Educate and promote health and safety awareness in all employees.

- Utilise Safety and Health Representatives in hazard identification and control in conjunction with line supervision by conducting site inspections.
- Investigate all incidents in the workplace and report findings to relevant personnel to prevent recurrence.
- Ensure continuous improvement by monitoring and reviewing the WHS Policy for relevance and performance.

Terms Used

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.

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

Misuse inappropriate use of a substance on the Shire 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").

Fitness for Work/Duty refers to a state (whether physical, mental and/or emotional), which enables an individual to perform an assigned task competently and safely.

Physical impairment musculoskeletal injuries, sprains and strains, major injuries etc.

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 affect 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 issue

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.

Responsibilities

Executives, Supervisors, PCBU and Leaders

Executives, 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 Management 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.

All Personnel

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

- Ensure they do not attend work in a manner which will affect their work performance that could endanger themselves, work colleagues, members of the public or cause damage to council equipment.
- Notify their direct Supervisor, Shire representative or Management if they are concerned about their own or fellow employees FFW.
- Participating in health, wellbeing and FFW activities that were requested by the Shire.

Application

Drug and 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. Being under the influence of alcohol will not be permitted whilst working on the premises or property of the Shire of Jerramungup.

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 approved medical Centre for a blood alcohol test. If a blood, alcohol level is deemed 0.05 and over, employees will be sent home without pay for the remainder of the day. 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. 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, under direct supervision of the applicable supervisor/manager, will be offered until then.

If the blood alcohol test provides positive results on the first offence, the employee will receive a written warning.

There may be occasions where alcohol may be included as part of a work function or other recognised work event. Where the Chief Executive Officer 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 regarding the consumption of alcohol may result in disciplinary action. It is a condition of the Shire of Jerramungup that employees make alternative arrangements to get home. The Shire accepts no responsibility for employees during travel to and from the function.

Drugs and Prescription Medication

Illicit drugs and other substances are strictly prohibited by the Shire of Jerramungup. Being under the influence of, suffering adverse effects of, in possession of, or found to be cultivating, selling or supplying drugs or other substances whilst on the Shire property or premise 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). 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 Management in writing. This will allow the Direct Supervisor or Management 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. Refusal to a drug screen may result in disciplinary action being taken.

If the drug screen proves positive results on the first offence, the employee will receive a written warning.

If an employee is found to give a positive result on the second offence, they will receive a second written warning. On the second offence, the employee must agree to be submitted for consequent drug testing (every fortnight or at random) for a (two-month) period.

Any third offence the employee will be made to go to mandatory drug and alcohol counselling, if the employee does not comply disciplinary will be action taken and may result in loss of employment.

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. 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
- Voluntary work
- External work commitments

In the interests 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 Jerramungup procedure 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 Jerramungup, which may affect their fitness for work.

Depending on the circumstances, the Shire may agree to come to a compromise with the employee to ensure there is equilibrium between regular hours worked at the Shire, sleep/rest and additional hours worked elsewhere (including paid and voluntary work). If this agreement is abused 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 to the judgement of their manager, the employee will be stood down from work if the fatigue is self-inflicted, for the remainder of the day. Alternatively, to being stood down, the employee can choose to take a leave day.

In case of being stood down due to fatigue caused by work or related volunteer activities, the employee will be paid for a standard day (8 hours for admin staff, 8.5 hours for the works department).

Employee Assistance Program (EAP)

The Shire of Jerramungup understands employees may be experiencing external difficulties to work that may influence their behaviour and health whilst at work. To assist personnel, the Shire has in place a confidential employee assistance program. The program consists of professional counselling services in several areas, which include, but are not limited to:

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

For this procedure, this program may be offered to first offence employees through ratification of the CEO. Otherwise, this program will be offered on the second affirmed screening. The Shire will offer a total of 3 counselling sessions, if further sessions are required, approval is to be deemed by the CEO.

If an EAP is offered because of a first offence and the employee declines the offer, they risk the consequence of instant dismissal on a second offence.

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 on ratification by the CEO. Such employees do not contravene the guidelines of this procedure if they volunteer for the EAP service.

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 Management where the Shire has a genuine indication of the need for such examination and in deciding the need will consider 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 affect 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.

Work Related Injury or Illness

All work-related injuries or illnesses will be dealt with by Management in accordance with Injury Management and/or Workers Compensations processes.

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 Management until independent medical advice is received, confirming their fitness for work.

Risk Management

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.

Identify and 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 Management).
- Arrange for testing of alcohol and/or other drugs.
- Psychological/emotional assessment.
- Where practicable, obtain a 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.
- Discuss in confidence with the person options to manage identified risks.
- Offer 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 Management is essential, as is confidential documentation.

Disciplinary Action

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

General Guidelines

Any employee who tests positive to an alcohol breath screen or urine 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 will also be stood down from work until they have proven they are fit for work.

Exemptions to this apply to emergency services volunteers as per individual agreement.

Employees fully returning to work after an injury or illness must provide the Shire of Jerramungup with a final medical certificate from their treating medical practitioner, showing no restrictions on their ability to work. Any other cases will be dealt with in accordance with the Shire's "Injury Management and Rehabilitation Policy (WHS06) and procedures.

First Offence:

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

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

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

d) The employee will be counselled by their supervisor that will focus on.

e) The unacceptability of the employee's behavior.

f) The risk that such behavior creates for the safety of the individual and other employees or members of the public.

g) The employee's responsibility to demonstrate that the problem is being effectively addressed.

h) If any future breach of the policy will result in a second offence or instant dismissal.

i) 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 and cannot be made mandatory. However, refusal to accept counselling may result in instant dismissal on second offence. The Shire of Jerramungup 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:

a) The employee will be immediately suspended from duty if found unfit for work.

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

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

d) The employee will be counselled by their supervisor that will focus on.

e) The unacceptability of the employee's behavior.

f) The risk that such behavior creates for the safety of the individual and other employees or members of the public.

g) The employee's responsibility to demonstrate that the problem is being effectively addressed.

h) That any future breach of the policy will result in instant dismissal.

i) Counselling will be offered, refer to *First Offence (v),* if counselling was not used in the first offence.

j) The employee will be instantly dismissed without notice if found to decline the offer to an EAP on second offence.

k) The employee maybe submitted fortnightly or randomly for alcohol and/or drug screening for the period of two months paid by the Shire of Jerramungup. If tests confirm positive, instant dismissal will follow. If the employee refuses to comply, instant dismissal will follow.

Third Offence:

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

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

Instant Dismissal:

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

a) Any attempt to falsify the drug and alcohol screen.

b) Cultivating, selling or supplying drugs and/or other substances on or off the worksite.

c) Unauthorised consumption of illicit drugs or alcohol whilst on the work site or during the working period.

d) Unlawful behavior.

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, it is a requirement of the supervisors 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 the employee home, a staff member authorised by the CEO will be appointed to take the employee home. The employee is to be advised that their vehicle must be collected that day.

Copies of this Policy shall be made available to all employees, contractors, volunteers and visitors, and displayed within the workplace.

Review

Document Control			
Action	Date	Officer	Comments
Adopted	October 2009	Brent Bailey	Adopted by Council at Ordinary Meeting
Review	April 2011	Brent Bailey	Update and Incorporate Injury Management Procedure
Review	May 2014	Janna Kleszewski	Restructured/upgraded OSH Manual Incorporated OSH Policies, reviewed and amended existing policies and procedures, included important contact details
Review	April 2016	Lizzy Hyde	Review of entire document
Review	Dec 2018	Danielle Wisewould	Restructured/upgraded OSH Policy, reviewed and amended existing policies and procedures, included important contact details
Adopted	Aug 2019	Danielle Wisewould	Adopted by Council at Ordinary Meeting
Changed	Sept 2023	Danielle Wisewould	Changed to WHS legislation
Review	September 2025	Martin Cuthbert	Review of document
Rebrand	September 2026	Danielle Wisewould	Updated with rebrand template

Chief Executive Officer
Martin Cuthbert

_____ 1/10/2026

Work Health and Safety Supervisor
Danielle Wisewould

_____ 1/10/2026