

## 1.0 Scope

This policy applies to all Safespear employees, customers, contractors and sub-contractors.

## 2.0 Purpose

Safespear has a duty of care ensure that all individuals are "fit for work" whilst at its place of work or whilst undertaking activities on its behalf. This policy outlines the responsibilities of all such individuals. It provides the supporting document for associated policies to promote fitness for work and to deal effectively and appropriately with individuals who may be unfit for work.

The expectation that all people at the workplace, including employees, contractors and sub-contractors will abide by our Policies that have been created in the interest of occupational safety and health. Safespear may require employees to undertake a Pre-Employment Medical and in the event of an injury may be required to complete a Return to Work Assessment.

Safespear have a zero tolerance to drug and alcohol when delivering services to all customers and / or when carrying out any other type of work for and on behalf of Safespear. It is an expectation that employees, volunteers, contractors and / or sub-contractors participate in drug and alcohol testing as requested by Safespear.

The objectives of this Policy is to provide a safe working environment by:

- Ensuring that whilst at work or undertaking activities on behalf of Safespear, all employees, contractors and other individuals are fit for work.
- Ensuring that Safespear meets its obligations to employees, contractors, sub-contractors and to the general public to carry out all its activities safely.
- Providing assistance through a range of preventative, educational and rehabilitative measures to overcome problems that could impair an employee's fitness for work.
- Promoting employees to report about their and other individuals' concerns regarding fitness for work.
- Ensuring individuals understand and comply with the "Fitness for Work Policy" in relation to their areas of responsibility.
- Ensuring that all employees who are deemed unfit for work are managed in a consistent and fair manner, ensuring employee rights are safeguarded.
- Complying with all applicable laws, regulations and licenses and refer to codes of practice where relevant.

## 3.0 Definitions

**AOD** - Alcohol and other drugs.

**FFW** - "Fitness for work" means that an individual is in a state (physical, mental and emotional) which enables that employee to perform assigned tasks competently and in a manner, which does not compromise or threaten the safety or health of themselves or others.

An individual may be unfit for work for a variety of reasons including the adverse effects of fatigue, stress, alcohol or other drugs, and a range of physical and mental health issues. Final determination of "Fit for Work" is based on the opinion of the employer after appropriate consultation with approved policy, and/or with a Medical Practitioner.

**EMPLOYEES** – With reference to this policy **ONLY**, where the term "employees" is used in this policy, it means employees, contractors and sub-contractors for the main. In this regard, some elements of 'duty of care' will be referred back to contractors and sub-contractors to manage themselves in line with their own procedures and until such time that Safespear sees fit, contractors and sub-contractors will not be permitted to undertake any work for and on behalf of Safespear.

## 4.0 Responsibilities

### 4.1 Executive Team

It is the responsibility of the Executive Team to ensure this policy meets all current legislative and organisational requirements, but more specifically, the Executive Team have the following responsibilities:

- To understand and implement the policy across all areas of responsibility.
- To ensure that adequate resources are allocated for the education, training, induction, counselling and other requirements as detailed in this procedure.

### 4.2 Management Team

It is the responsibility of the Management Team to ensure all employees understand and have the resources to execute this policy, but more specifically, the Management Team have the following responsibilities:

- Promote the health, safety and welfare of all individuals under their control.
- To ensure that the FFW policy is applied fairly and consistently. In particular, the management team will ensure that individuals who seek assistance will not be disadvantaged and that all

employment rights will be safeguarded as far as practicable.

- To ensure that all individuals in their area of responsibility understand and comply with the requirements of FFW policy.
- To implement and manage this policy in a way, which encourages individuals to bring up concerns about their own, or other individuals' fitness for work.
- Taking prompt and appropriate action in situations where any individual is not capable of working in a safe and effective manner as per section 6.0 below.

### 4.3 Workers

Safespear workers have a responsibility to follow this policy and contribute to its continuous improvement. Individual responsibilities relating to this policy will be explained during a worker's induction and acknowledgement of this policy. If a worker is unsure about any matter covered, they should seek assistance from their direct supervisor.

Each individual is responsible to ensure their own safety and health at work and to avoid adversely affecting the health and safety of any other person. In order to fulfil this responsibility, each individual has the following obligations:

- Must present themselves at work in a condition in which they are able to carry out their duties without risk to themselves or others. This includes ensuring and, where required, demonstrating that they are not in an unfit state for any reason including the adverse effects of fatigue, stress, alcohol or other drugs, poor physical fitness or medical issues.
- Immediately notify the management team of any concerns about their fitness for work and / or any potential impairment of their fitness for work.
- Must ensure that any prescription or non-prescription medication is taken safely. This requires individuals to discuss with the prescribing Medical Practitioner the nature of their duties and any possible impact of the medication on their safety or performance at work.
- Immediately report any side effects to their Medical Practitioner and advise their Manager of this.

All individuals must notify their Manager of any situation in which this policy may have been breached. This includes:

- Any situation in which other individuals are showing signs that they may be unfit for work;
- The unauthorised possession or consumption of alcohol or drugs on the work site or during work time by another individual; or
- Any other apparent breach of this policy.

All such information will be handled in confidence as per *S.20 of the Occupational Safety and Health Act (1984)* (“*employees Duty of Care*”). Workers (employees) must remember that it is unlawful not to report matters relating to the health, safety and welfare of others in the workplace.

## 5.0 Policy Elements

### 5.1. Alcohol and Other drugs

A drug and alcohol testing policy includes the following testing regimes:

- random testing;
- testing in the event of a significant incident;
- reasonable cause assessment; and
- voluntary testing.

Full details on AOD testing and continuation of process is available in the Substance Misuse Policy. Alcohol and drug testing will be undertaken by qualified personnel in accordance with the above policy.

### 5.2. Personal Health and Fitness

Safespear workers have a responsibility to ensure their own safety and health at work and to avoid adversely affecting the health and safety of any other person. To fulfil this responsibility, each individual has the following obligations:

- They must present to work, capable of carrying out their duties without risk to themselves or others. This includes ensuring and, where required, demonstrating they are in a fit state and not adversely effected by fatigue, poor mental health, alcohol or other drugs, poor physical fitness or medical issues.
- Immediately notify their Manager of any concerns which may affect their fitness for work and / or any potential impairment of their fitness for work.

### 5.3. Fatigue

Safespear is committed to achieving a high standard of fatigue awareness and management at all workplaces.

Safespear recognises that fatigue affects a person’s health and wellbeing, increases the chance of illness and workplace injuries occurring, and reduces performance and productivity within the workplace.

For fatigue management, refer to Safespear’s Fatigue Management Procedure which highlights the

effects and risks of worker fatigue, the shared responsibility to manage it appropriately, and the preventative actions that should be implemented to minimise associated risks.

## 5.4. Smoking

Safespear recognises the risk associated with active or passive tobacco smoking and is committed to providing a smoke-free workplace. Refer to No Smoking Policy for management within the workplace.

## 5.5. Mental Stress

Safespear recognises that stress can result in adverse effects on the health of workers and is committed to providing support mechanisms for identifying and managing stress-related issues. Work-related psychosocial hazards and factors that may influence mental stress may include but are not limited to:

- **Work demands** - Substantial and/or excessive physical, mental and emotional efforts required to do the job.
- **Low levels of control** - Lack of control over aspects of the work, including how and when a job is done.
- **Inadequate support from Manager/Team Leaders/Supervisors and/or co-workers** - Lack of support in the form of constructive feedback, problem solving, practical assistance, provision of information and resources.
- **Lack of role clarity** - Unclear or constantly changing management expectations about the responsibilities of the job. Incompatible expectations or demands placed on workers by different workplace stakeholders.
- **Poor organisational change management** - Uncertainty about changes in the organisation, structure or job. Unstructured approach to change.
- **Low recognition and reward** - Lack of positive feedback on job and task performance, and inadequate skills development and utilisation.
- **Poor organisational justice** - Unfairness, inconsistency, bias or lack of transparency in the way procedures are implemented, decisions are made, or workers are treated.
- **Traumatic events** - Exposure to an event, or threat of an event, that is deeply distressing or disturbing for the individual.
- **Poor physical health** - Lack of regular physical activity and poor nutrition.

The result of stress often becomes evident in the workplace. Signs of stress in personnel normally result in, but are not limited to:

- mood swings;
- anger / aggressiveness;
- emotional displays;

- inattentiveness;
- quietness; and
- poor quality work.

All Safespear workers have a 'duty of care' to monitor their work colleagues for fitness for work and to report to their supervisor / management any suspected changes in the performance or any signs and symptoms of stress in their colleagues. Personnel should be reminded continually that stress may affect their safety and performance within the workplace.

Safespear has the provision of an Employee Assistance Program, which incorporates access to a confidential counselling service and the provision of educational material as required. In cases where an individual is medically diagnosed as suffering from stress or a stress-related disorder, the individual will be managed according to Safespear's Injury Management Policy.

If potential stress hazards or signs have been identified, control measures should immediately be implemented to minimise the risk. Controls measures should be considered in the following order of:

- **Prevention** - Eliminate exposure to psychosocial hazards, so far as is reasonably practicable.
- **Intervention** - Reduce likelihood and severity of harm from exposure to psychosocial hazards and factors.
- **Recovery and return to work** - Provide appropriate response and support after injury.

## 5.6. Physical Stress

When work tasks are risk assessed, physical stress should be assessed for its likely effects on workers and a determination made on the possible ways to reduce such stress. Control measures may include:

- elimination of the need for the task;
- engineering control to prevent exertion;
- mechanism of tasks;
- team or job rotation controls.

## 5.7. Nutrition and Lifestyle

All personnel through induction, training and information should be advised and reminded of the benefits to their fitness to work through healthy nutrition and lifestyle choices.

It is important for each individual to maintain nourishment through a healthy diet by the selection and preparation of the appropriate foods.

### 5.8. Personal Matters

Family matters arise from time to time and are a normal part of life. It is unlikely no one will be affected by something that has happened at their home base or to a member of their family.

Personal matters can affect work performance and the health and safety of the individual and work colleagues of that individual. Personal matters should be raised in line with the chain of command and addressed accordingly.

## 6.0 Management of Fitness for Work

The following action is to occur if an individual is deemed unfit for work for any reason:

- The individual will be immediately removed from the workplace and prohibited from driving a vehicle or operating any machinery.
- The individual will be safely transported home or to a safe place i.e. hospital, medical centre.
- The individual will be prevented from returning to work until such time as they have participated in discussions with management and are able to demonstrate that they are fit for work. (In cases where the impairment of the individual's 'fitness for work' is due to the consumption of alcohol or drugs, the Manager will carry out these discussions when the individual is not affected by alcohol or drugs).
- In addition, where the individual is deemed unfit for work as a result of a positive alcohol or drug test, refer to *Substance Misuse Policy*. A negative test result is not in itself sufficient, and the individual must demonstrate to management satisfaction that the cause of the problem has been addressed and will not reoccur. The responsibility for providing this proof rests with the individual.
- In cases where an immediate danger exists as a result of an individual's state (e.g., drug overdose or potential for suicide), management will take appropriate action which may include contacting the police and / or appropriate medical assistance.

Safespear may request a worker to complete a Fitness For Work Assessment (FFW) when one or more of the following occurs:

- The worker is of an age and / or the worker displays behaviours warranting a functional capacity assessment and / or medical examination at regular intervals i.e. bi-annually and / or when identified via a risk assessment;
- The worker's BMI indicates obesity;
- The worker suffers a non-work-related permanent impairment and / or injury and the permanent impairment and / or injury has the potential to impede the worker from being able complete the inherent requirements of their position.

## 6.1 First Breach

The management team in consultation with the HR Advisor will discuss the situation with the individual and this will focus on:

- the specific FFW policy and the obligations it places on the individual;
- the unacceptability of the individual's state or behaviour;
- the risk that such states or behaviours create for the safety of the individual and others;
- the individual's responsibility to demonstrate that the problem has been effectively addressed;
- the consequences for future breaches; and
- establishing why the individual was attempting to work in an unfit state.

Management will notify the individual that their fitness for work will be monitored for a period of up to 12-months to ensure that they remain fit for work. In the case of alcohol or drugs, this will include periodic testing for these substances.

The management team and HR Advisor will instruct the individual to access assistance to address the problem. This could include appropriate medical assistance or making them aware of the need for counselling by way of a management-initiated referral to the EAP.

The individual will be required to provide satisfactory evidence that the causes for their fitness for work issue have been addressed before they are permitted to return to work. Where the breach is a result of the individual's deliberate decision or failure to act as required by this procedure (e.g., failure to notify management when fatigued), the individual will be issued with a **FORMAL WRITTEN WARNING** reflecting the key points covered in this process. A copy of the written warning will be placed in the individual's personal file.

Where an individual's fitness for work is impaired as a direct result of their deliberate decision or failure to act as required, the appropriate delegated authority may suspend the individual from duty. In determining this, the appropriate delegated authority will consider whether the impairment of fitness for work is a direct result of the individual's deliberate decision or failure to act as required. The appropriate delegated authority will discuss the situation with HR Advisor and the individual and formally offer the individual professional assistance.

Where the impairment of fitness for work is as a direct result of the individual's deliberate decision or failure to act as required, the appropriate delegated authority will issue a **FINAL WRITTEN WARNING** reflecting the key points covered in this process but also noting that another breach **WILL** result in immediate dismissal. However, any breach of this FFW policy may result in termination of employment, if the breach limits employment options with clients as a result.

## 6.2 Second Breach

In the event that a worker receives a second breach for the same fitness for work issue, the following actions will apply:

- Where the impairment of fitness for work is a direct result of the individual's deliberate decision or failure to act as required, the appropriate delegated authority will:
  - Suspend the individual from work and instigate an investigation; and
  - In the absence of any mitigating factors, dismiss the individual in accordance with the appropriate notification previously provided.

## 6.3 Requirement for Formal Case Management

In cases where an individual is unfit for work, the Manager in consultation with the HR Advisor will decide what standard of proof is required to demonstrate that the problem has been addressed and that the person will remain fit for work in the future. In making this decision the Manager will consider the threat posed to:

- the person's safety;
- the person's continued employment;
- the safety of others; and
- the risks to the organisation (accidents, damage, loss of clients, reputational damage and so on).

The Manager will assess this conservatively and, where the threat to safety continues, the individual concerned will be removed from the workplace and will require a formal fitness for work management plan that:

- demonstrates that the problem has been thoroughly assessed;
- provides appropriate treatment methodologies;
- allows effective monitoring of the individual's ongoing fitness for work; and,
- ensures the individual will notify management of any recurrences that may threaten their fitness for work.

Managers will require any individual in the following circumstances to provide convincing evidence (typically a formal assessment and management plan) that the problem has been addressed prior to returning to work:

- All workers on a final warning as a result of a second breach or any other circumstance.

- All workers testing positive for illicit drugs.
- Any other circumstances where the management team is not certain that the individual is or will remain fit for work.

## 7.0 Medical or Other Assessment

Safespear will ensure that all workers are fit for work by conducting Fitness for Work Assessments (FFWA) when required. FFWA can include any medical or other assessment to determine an individual is fit to complete their duties.

FFWA may be conducted for pre-employment medical purposes (prospective workers assessed for suitability) or reasonable cause, such as job change or workers returning to work after a prolonged absence which could include injury/illness (both work and non-work related). Injuries refer to *Injury Management Policy*.

Safespear shall only become involved in non-work-related matters if the individual's behaviour or state has the potential to impact on their or others safety at work.

FFWA can be requested by Safespear at any time during employment and will be paid for by Safespear. Safespear will obtain written evidence from the specialist provider, which will either determine the individual fit for work or unfit (restrictions). Safespear shall only accept individuals back to work when a fit for work certificate (full capacity to work) has been obtained.

Safespear will maintain confidentiality and privacy in line with the company's policy. Information of a personal nature shall only be shared with persons who have a legitimate need to receive it.

## 8.0 Employee Assistance Program (EAP)

To assist workers, Safespear provides a confidential EAP program for all workers. EAP posters and contact information shall be advertised in all offices, in a prominent location. The program should consist of professional counselling services in a number of areas, which include, but are not limited to:

- drugs and alcohol;
- personal affairs;
- career issues;
- relationship advice;
- support services;
- addictions; and

- stress.

## 9.0 Review

This policy shall be reviewed annually as a minimum. Additional reviewed may be conducted when legislative or business changes occur, or review has been requested as part of continuous improvement.

## 10.0 Related Documents/Legislation

- Occupational Safety and Health Act 1984.
- Occupational Safety and Health Regulations 1996
- Substance Misuse Policy
- Injury Management Policy
- No Smoking Policy