



Fitness for Work Procedure

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1. PURPOSE

The purpose of this Procedure is to contribute to the health, safety and well-being of Cherbourg Aboriginal Shire Council (“Council”) employees and others by implementing and maintaining a Fitness for Work Program that supports the management of employee and contractor performance.

2. SCOPE

This Procedure applies to all employees, contractors, volunteers, work experience students, trainees and apprentices.

3. LEGISLATIVE AUTHORITY

Queensland Workplace Health and Safety Act 2011

Queensland Workplace Health and Safety Regulation 2011 and associated amendments and standards

Queensland Local Government Act 2009

Queensland Drugs Misuse Act 1986

Queensland Drugs Misuse Regulation 1987

4. REFERENCES AND ACKNOWLEDGEMENTS

Alcohol and Drug Use Guidance Notes - Worksafe Western Australia.

Reducing the Risk of Fatigue at the Workplace Guidance Notes - Government of Western Australia
Stress and Fatigue – their impact on health and safety - Occupational Safety and Health Service of the Department of Labour, New Zealand, January 1998

Australian Drug Foundation

Building Trades Drug and Alcohol Program

Risk Management Tool for Shiftwork - Australian Coal Association Research Program (2002)

Cairns Regional Council Fitness for Work Policy and Procedure.

5. RESPONSIBILITIES

5.1 Chief Executive Officer

The Chief Executive Officer is responsible for any outcomes from hazards or risks associated with Council.

5.2 Managers and Supervisors

Managers and Supervisors are responsible for:

- Ensuring that all employees and contractors are made aware of this Procedure;
- Ensuring employees and contractors under their supervision or control do not put their own or another person's safety at risk due to impairment from fatigue, alcohol or drugs;
- Managing the work performance of employees and contractors and/or monitoring the performance of persons working in their area of responsibility; and
- Ensuring employees who notify Council that they have a fatigue, drug or alcohol problem have the details kept confidential and are offered appropriate support and counselling.

5.3 Training Officer

The Training Officer is responsible for:

- In conjunction with the WH&SO, reviewing and recommending ongoing education or awareness training relating to fitness for work matters.

5.4 Workplace Health and Safety Officer

The Workplace Health and Safety Officer is responsible for:

- Assisting with any incident investigations, as required;
- Ensuring all employees are made aware of this Procedure and associated Discipline Procedures
- Evaluating the outcomes of incident investigations to ensure that all procedures have been followed correctly;
- Providing advice to Managers, Supervisors, Workplace Health and Safety Representatives and employees relating to fatigue or the misuse of alcohol or drugs;
- Compiling and tabling incident statistics to the Workplace Health and Safety Steering Committee, and Chief Executive Officer;
- Developing and distributing safety procedures throughout Council; and
- Ensuring safety information is current and up to date.

5.5 Employees

Employees shall not present themselves for work, or remain at work, if:

- They have consumed alcohol or have taken a drug that could affect their ability to work safely;
- They have taken an alcohol or drug test that day and returned a positive reading;
- They are expected to operate plant or drive vehicles and suspect they would exceed the permitted breath alcohol concentration level or are otherwise impaired; or
- Their ability to work safely is compromised by fatigue, alcoholic hangover or the effects of a drug.

Employees must:

- Comply with the Fitness for Work Policy and Procedure;
- Speak to their Supervisor in relation to concerns about fatigue management or the use of drugs or alcohol at work;
- Advise their Supervisor if they are taking either prescription or non-prescription medication; and
- Immediately speak to their Supervisor if they have concerns about working with another employee whose ability to work safely appears to be compromised by fatigue or the influence of drugs or alcohol.

On Call Employees

Employees who are on the On-Call Roster for after hours incidents and emergencies must:

- Not consume alcohol, or drugs which may result in impairment, whilst on-call; and
- Make alternative arrangements with management if they are unable or unfit to attend a call-out.

6. PROCEDURE

6.1 Dangerous Drugs

The carrying, storing, or use of dangerous drugs at Council workplaces, the sale, transfer or manufacture of dangerous drugs in the workplace or the unlawful distribution of prescription drugs in the workplace shall constitute misconduct and will result in disciplinary action being taken against the employee in accordance with Council's Discipline Procedure and Council's Employee Code of Conduct.

6.2 Assessing the Risk

6.2.1 Medication

Council recognises the importance of taking prescribed medication, however, certain types of prescription or pharmacy medicine and some herbal products can cause impaired judgment and decreased alertness. Employees who are required to take medication must ensure that the medication side effects do not endanger their own or others' workplace health or safety, and that they do not breach road use legislation by operating any vehicle or vessel whilst under the influence of the medication.

Before taking medication, employees must discuss any possible medication side effects with their doctor or health care professional.

Where a doctor or health care professional advises an employee that there may be side effects from the medication, the employee must provide their Supervisor/Manager with a letter from their doctor or health care professional detailing those effects.

The Supervisor/Manager will then decide on control measures that may be taken to minimise the workplace risks.

6.2.2 Fatigue

Fatigue can result from long or arduous work, late night call-outs and little or poor sleep. It can be influenced by health and emotional issues, or by several of these factors in combination. Fatigue affects each person in its own individual manner, including their health, work performance and productivity. It can also significantly increase the probability of an accident or injury occurring.

To minimise the risks from workplace fatigue, Supervisors must ensure that employees and contractors take fatigue breaks in accordance with Council's industrial instruments and any applicable fatigue management guidelines (eg. as issued by Queensland Transport).

To assist in determining whether an employee or contractor is fatigued the Fatigue Identification Form may be used by the Supervisor.

Supervisors who suspect an employee or contractor is putting their own or another person's safety at risk due to impairment from stress or fatigue must immediately remove the affected employee or contractor to a safe location and:

- Ask the employee or contractor if they feel their work performance or safety is affected by fatigue or stress, including whether there are any work related issues that are contributing to the fatigue or stress;
- Consider if the poor work performance is due to other factors such as illness, workplace environmental factors (eg. heat exhaustion, chemical exposure) or the effects of drug or alcohol use;
- Assess the risks to the employee or contractor and others if the employee or contractor is allowed to continue their normal work;
- Where the Supervisor considers the employee or contractor would place their own or another person's safety at risk, then the employee's or contractor's Manager shall be immediately contacted and advised of the situation. In consultation with the employee's or contractor's Supervisor, the Manager shall provide adequate control measures to minimise risk to and from the employee or contractor. These control measures may include:
 - Arranging for the employee or contractor to be driven home;
 - Providing alternate duties for the employee;
 - Recommending the employee seek counselling through the [Employee Assistance Program](#);
 - Recommending the employee seek medical advice for the fatigue or stress; and
 - In the case of a contractor, suspending or terminating their contract with Council.

Where the stress or fatigue appears to be as a result of work related factors, the Supervisor must take appropriate action to control the risks in the workplace.

Where chronic non-work related fatigue or stress related problems are affecting the employee's work performance or safety, the employee may be required to seek medical assistance or counselling through the [Employee Assistance Program](#).

6.2.3 Alcohol and Drug Use

Supervisors who suspect an employee or contractor is putting their own or another person's safety at risk due to impairment from alcohol or drug use must:

- Immediately remove the affected employee or contractor to a safe location;

- Consider whether the impairment could be as a result of other causes, for example illness, fatigue or inadvertent exposure to a hazardous substance in the workplace;
- Ask the employee or contractor if they are affected by alcohol or drugs; and
- Where a risk from alcohol or drugs is identified by the Supervisor they must immediately organise for the employee or contractor to be interviewed by the appropriate Manager.

A Supervisor/Manager may reasonably suspect that an employee or contractor is not fit for work if one or more of the following signs exist:

- Advice from a co-worker who believes the employee or contractor may be impaired by alcohol and/or drugs;
- Evidence linking the employee or contractor with alcohol and/or drug misuse while at work. This evidence may include items found in work vehicles or workplaces;
- The employee or contractor's speech is slurred or impaired;
- The employee or contractor's breath smells of alcohol;
- The employee or contractor staggers, or their movements are jerky and off target;
- The employee or contractor admits to drinking a certain quantity of alcohol or taking a drug;
- The employee or contractor's eyes are bleary and heavy;
- The employee or contractor exhibits a dulled, tired appearance;
- The employee or contractor is uncharacteristically aggressive or excitable in their speech or manner;
- The employee or contractor's face is uncharacteristically flushed;
- The employee or contractor's pupils are large or unusually narrowed, with a sluggish reaction to light; or
- The employee or contractor's sense of time is defective (eg. being unable to repeat the time of incidents).

6.2.4 Alcohol or Drug Use – Contractors

Where it is suspected by the Manager that a contractor is putting their own or another person's safety at risk due to impairment from alcohol or drug use, the contractor shall be given a chance to explain the reason they are affected by alcohol or drugs. Based on the available evidence and the contractor's response, it may be determined that the seriousness of the behaviour warrants suspension or early termination of the contract. Any such action must only be taken by having regard to the relevant requirements of the [Queensland Local Government Act 2009](#), and where applicable, [Council's Employee Code of Conduct](#).

6.3 Assessment by Management of an Employee Affected by Alcohol or Drugs

After initial suspicion of alcohol or drug impairment, the relevant Manager will then interview the employee or contractor to determine whether:

- The employee or contractor appears to be affected by alcohol or drugs;
- The employee or contractor because of their state, poses a safety risk to themselves or another person; and

- There are any mitigating circumstances (eg. bereavement, domestic matters).

6.3.1 Interview

The interview should be held between the employee, their Supervisor, and the employee's Manager.

The employee can also elect to have a support person (eg. family member, friend, Union representative) present during the interview providing the support person can attend within the testing timeframe.

The Manager will commence the interview by providing details of the allegation and then giving the employee the opportunity to explain their poor behaviour and/or work performance.

Where the Manager is satisfied the employee poses a safety risk due to suspected alcohol or drug consumption or where the employee admits that their poor behaviour and/or work performance is due to alcohol consumption or drug use the employee shall be requested to:

- Complete the Employee Permission Form for Drug and Alcohol Testing Form; and
- Undergo a breath analysis test using an Australian Standards approved alcoholmeter where there is a suspicion of alcohol use in accordance with the testing methods; and/or
- Undergo an oral fluid test using an Australian Standards approved oral testing device where there is a suspicion of drug use in accordance with the testing methods.

If the employee fails either test they shall be given a chance to explain the reason they are affected by alcohol or drugs.

At the completion of the interview, the Manager shall take the following action if they consider the employee is unfit for work:

- Organise for the employee to be either:
 - (a) In the case of failing the in-house breathalyser test – Council will make appropriate transport arrangements to return the affected employee to their place of residence; or
 - (b) In the case of failing the in-house oral fluid drug test – the Manager shall request that the employee undergo confirmation drug testing by providing a further oral fluid sample in a collection device. The oral fluid sample will then be sent by Council to an independent and accredited laboratory for testing for the presence of dangerous drugs. Council will make appropriate transport arrangements to return the affected employee to their place of residence. The employee shall remain on leave without pay until a negative result is received from the testing laboratory on either the original sample or subsequent samples.

Depending on the circumstances the Manager can also take the following additional action:

- (a) Direct the employee to attend drug or alcohol counselling;
- (b) Initiate disciplinary action;
- (c) Direct that the employee not return to work until they have a medical certificate indicating that they are fit to return to normal duties.

Before recommencing work with Council the employee must be interviewed by the Manager/ Supervisor. The Manager/ Supervisor shall discuss the following at the interview:

- Details of the employee's unsatisfactory behaviour or work performance;
- The standard of performance required;
- The potential risk to the employee's safety and the safety of others due to drug or alcohol impairment;
- Drug and alcohol support services available, which may include the Employee Assistance Program; and
- The process to be implemented if the occurrence is repeated.

During the interview the Manager/Supervisor may request that the employee undergo a further in-house drug or breathalyser test if the employee shows signs of being unfit for work because of drug or alcohol misuse.

If the employee fails the test they shall not be permitted to remain at work. Council will provide appropriate transport arrangements for the affected employee to be taken home.

Employees who are sent home will be entitled to leave without pay whilst they are absent from work.

6.4 Claims Made by Co-workers

Council encourages employees to speak up about safety hazards in the workplace. An employee has the right to contact their Supervisor or Manager if they witness or have evidence that an employee is putting their own or another person's safety at risk due to impairment by fatigue, drugs or alcohol.

Where a co-worker reports a fellow employee to their Supervisor or management due to a suspicion of fatigue, alcohol or drug impairment:

- The co-worker at their request may remain anonymous;
- The Supervisor/Manager of an employee under suspicion must determine for themselves whether the employee appears to be impaired by fatigue, alcohol or drugs and whether cause testing is required;

6.5 Drug and Alcohol Testing

6.5.1 Testing Following a Serious Incident

Where an employee has been involved in a serious incident at the workplace Council may request that the employee undergo an alcohol and/or drug test.

6.5.2 Testing Timeframes

While every attempt will be made to drug and/or alcohol test the employee as soon as possible following a serious incident or cause for suspicion, the following timeframes are the preferred timeframes:

- (a) Alcohol Test (in-house) - within one hour of management being notified;
- (b) Dangerous Drug Test (in-house) - within two hours of management being notified;

6.5.3 In-House Testing Methods

Serious incident or cause for suspicion testing for the presence of alcohol or drugs will be conducted by trained Council employees using the following methods:

- Alcohol – testing for alcohol impairment will be conducted using an Australian Standards approved Alcolmeter and in accordance with the Collection Procedures for Breath Alcohol Tests;
- Drugs – specimen collection, storage, handling, on-site initial testing and, if required, dispatch of human oral fluid to the laboratory will be conducted in accordance with Australian Standard *AS4760 Procedures for Specimen, Collection, and the Detection and Quantitation of Drugs in Oral Fluid*. Any departure from the specified sample collection procedures will not invalidate a drug test result provided that the procedures followed do not cast doubt on the accuracy and reliability of the collection process with due regard to sample security and chain of custody requirements. Oral fluid specimens collected should only be used for the specific purpose of drug analysis eg. they are not to be used for DNA testing.

6.5.4 Self Testing For Alcohol and Other Drugs

Employees have the opportunity to test themselves if they think they may be unfit for work due to the effects of alcohol or drugs.

Self-testing will not result in disciplinary action under this Procedure if the employee performs the test before they commence work and they immediately notify their Supervisor that they are unfit for work. Council will make appropriate transport arrangements for the affected employee to be taken home and employees will be entitled to leave without pay whilst absent from work.

Employees found abusing the self-testing process by being continually absent from work as a result of the self-testing test results, will be subject to a work performance review and possible disciplinary action.

Alcolmeters will be available at Council's Works Depot and Saliva drug testing devices will be available upon request from the Workplace Health and Safety Officer.

6.5.5 Random Drug and Alcohol Testing

Council may from time to time conduct random testing of employees.

6.5.6 Negative Readings

Where drug and alcohol testing reveals that the employee under suspicion was not affected by drugs or alcohol, all leave taken or wages lost shall be reinstated by Council.

6.5.7 Refusal to Undergo a Breathalyser Test or Drug Test

Where an employee refuses to undergo a breathalyser or drug test Council will discipline the employee for not following a reasonable and lawful direction.

6.5.8 Tampering With Either a Drug or Alcohol Test

Any attempt to tamper or alter any in-house or external test for drugs or alcohol shall constitute misconduct and will result in disciplinary action.

6.7 Social Functions

Council's Chief Executive Officer or delegate must give prior approval for any social function that is being organised by or for Council employees, and which is to be held on Council premises in accordance with [Council's Social Function Guidelines](#).

6.8 Employee Assistance Program

Council recognises that there may be employees who have alcohol or drug dependency issues. These employees will be encouraged to raise the issue with their Supervisor or seek professional counselling through Council's Employee Assistance Program provider or other organisations that provide preventative, counselling and treatment services. Assistance provided will be in accordance with [Council's Employee Assistance Program Policy](#).

6.9 Promotion of Alcohol

Promoting the consumption of alcohol or drugs in the workplace by way of advertising (e.g. posters, cardboard cut-outs) is not permitted.

6.10 Education and Training

Prior to the initial introduction of this Procedure employees will be provided with Fitness for Work Information Sessions.

Employees are to be advised of the fitness for work requirements through conducting workplace meetings.

A range of pamphlets will be made available to employees on fatigue management and drug and alcohol misuse. Posters will also be displayed throughout Council providing information on the hazards posed by fatigue, drugs and alcohol.

6.11 Confidentiality

Confidentiality of all information will be maintained strictly throughout this process, subject to the provisions of the law. Confidential information and documentation will be restricted to the employee's Supervisor/Manager and the Chief Executive Officer.

6.12 Discipline Procedure

Council's Discipline Procedure will be followed by management, on a case by case basis for alcohol and/or other drug incidents in the workplace. Disciplinary action will be in accordance with [Council's Discipline Procedure](#), [Council's Employee Code of Conduct](#) and the [Queensland Local Government Act 2009](#).

6.13 Dispute Resolution Procedure

Employees have the right to lodge a grievance where they believe that inappropriate or unreasonable action has been initiated by Council in response to suspected drug or alcohol impairment.

Where an employee is found to have made a knowingly false or vindictive claim regarding the alleged behaviour of another employee, management shall investigate the claimant's conduct and take appropriate action in accordance with [Council's Discipline Procedure](#), [Council's Employee Code of Conduct](#) and the [Queensland Local Government Act 2009](#).

7. DEFINITIONS

Binge Drinking – the act of drinking heavily over a short period of time or drinking continuously over a number of days or weeks.

Breath Alcohol Concentration (BrAC) – The percentage of alcohol in a person’s breath, taken from deep in the lungs.

Dangerous Drugs - those drugs that are prohibited by the *Queensland Drugs Misuse Act 1986* and the *Queensland Drugs Misuse Regulation 1987*. Examples include amphetamines (ecstasy, speed), cannabis, cocaine and heroin.

Drug – either medication or a dangerous drug.

Contractor – for the purposes of this Procedure, a “contractor” refers to a person who enters into a formal contract to perform work for Council and in the execution of this work is required to provide a safe system and place of work for the contractor’s employees and others.

Employee – for the purposes of this Procedure, an “employee” refers to any Council employee, including temporary and permanent employees, trainees and apprentices, volunteers and work experience students.

Employee Assistance Program (EAP) - a confidential, professional counselling service available to employees and their immediate family members.

Fatigue – the temporary inability, decrease in ability or strong disinclination to respond to a situation, because of previous mental, emotional or physical over-activity, or inadequate restorative sleep.

High Risk Activity – activities that Council believes could result in death or bodily harm including “high risk construction activity” (refer to the *Queensland Workplace Health and Safety Regulation 2008*). Activities may include working from heights, working in confined spaces and trenches, working on roads, using a hazardous substance, use of a chainsaw etc.

Impaired person – a person who has their level of safety diminished due to a loss of their physical coordination, judgment and alertness which may be due to the effects of fatigue, alcohol or drugs.

Medication – legal prescription and non-prescription drugs including legal herbal products.

Permitted Breath Alcohol Concentration (BrAC) Levels –

Legislated breath alcohol concentration levels in Queensland are as follows:

- Holder of a learner or provisional licence and aged under 25 years - 0.0% BrAC
- Holder of a licence when driving a truck, bus, articulated motor vehicle or vehicle carrying dangerous goods - 0.0% BrAC
- Employees or contractors operating earthmoving machinery (e.g. graders, rollers, backhoes) or lifting equipment (e.g. forklift, elevating work platform) - 0.0% BrAC
- Traffic controllers while on duty - 0.0% BrAC
- Persons performing safety sensitive aviation activities – below 0.02% BrAC

Employees on-call or responding to after- hours emergencies

- Employees who are rostered according to Council's on-call arrangements are required to have a breath alcohol concentration of zero for activities covered by Queensland legislative breath alcohol concentration levels. Employees not required to perform this type of work must have a breath alcohol concentration of less than 0.05%. (This BrAC level will be subject to any changes in Queensland legislation to the existing 0.05% legal limit).
- In cases where an employee is requested to respond to an afterhours call, the employee is required to immediately notify their on-call Supervisor if he/she is unable to meet the expectations of this Drug and Alcohol Policy, in which case the Supervisor will make alternative arrangements.

Where a work activity is not covered by legislation, the following breath alcohol concentration levels shall apply:

- Employees and contractors – less than 0.05% BrAC
- Employees and contractors operating ride-on mowers, tractors or plant - 0.0% BrAC
- Employees and contractors undertaking high risk activities - 0.0% BrAC
- Employees on-call - 0.0% BrAC

Positive Test Result – in the case of a drug or alcohol test, a positive test result indicates the current or recent presence of drugs or alcohol in the person's physiological system, at a level above the permitted level (eg. BrAC above 0.0% is not permitted for a person operating plant).

Serious Incident – an incident that has resulted in:

- A fatality or an injury that has required immediate medical treatment by a medical practitioner; or
- An accident that has resulted in damage to a vehicle, aircraft, plant equipment or machinery which requires reporting to Council's insurance officer; or
- In the opinion of the Supervisor had the potential to cause a fatality, serious injury or major property loss.

Stress – in terms of the interaction between a person and their work environment, is the awareness of not being able to cope with the demands of one's environment, when this realisation is of concern to the person, and that both are associated with a negative emotional response.

Supervisor – a person in control of a workplace (eg. Supervisor, Coordinator, Manager).

Workplace – means any place where work is, or is to be, performed by Council or its employees or contractors.

8. **RESOLUTION NUMBER: 950**

9. **DATE APPROVED: 27TH SEPTEMBER 2012**

NEXT REVIEW: 2015