



## WHS-50 Fitness for Work Procedure

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1.0	23/05/2014	n/a	Procedure approved and released
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## 1 Purpose

The purpose of this procedure is to provide practical guidelines on the management of fitness for work issues in order to achieve a safe workplace with workers attending work in a fit and competent state to safely undertake their duties.

This procedure provides a framework to follow when dealing with issues relating to fitness for work that may result in impairment and acknowledges that such issues need to be managed. Territory Generation shall ensure that support is provided to workers who may be affected via counselling, medical support, rehabilitation and other relevant assistance, where necessary.

The primary aim of this procedure is to support and assist employees wherever possible.

## 2 Scope

This procedure applies to all Territory Generation maintained sites.

## 3 Roles and Responsibilities

Role / Title	Responsibility
<b>Chief Executive Officer</b>	Shall ensure that : <ul style="list-style-type: none"> <li>• All personnel are aware of requirements of this procedure and its management in sites under Territory Generation control.</li> <li>• Initiates procedure review as required.</li> </ul>
<b>All Managers/Site Coordinators</b>	Shall ensure that: <ul style="list-style-type: none"> <li>• This procedure is put in place at all Territory Generation controlled power stations sites.</li> <li>• Personnel are advised and trained as necessary in the procedure to be followed.</li> <li>• Contractors are informed of and follow the procedure, where applicable.</li> <li>• Contribute to procedure reviews</li> </ul>
<b>Project Officers/Contract Managers</b>	Shall ensure that: <ul style="list-style-type: none"> <li>• Contractors under their control are informed of and follow the procedure, where applicable.</li> <li>• Contribute to procedure reviews</li> </ul>
<b>All Personnel</b>	Shall ensure that: <ul style="list-style-type: none"> <li>• This procedure is followed personally and by contractors/visitors under their control, where applicable</li> <li>• Contribute to procedure reviews</li> </ul>
<b>Document Owner</b>	<ul style="list-style-type: none"> <li>• The position responsible for the preparation, review and accuracy of this document.</li> </ul>
<b>Document Sponsor</b>	<ul style="list-style-type: none"> <li>• The position responsible for the approval and use of this document</li> </ul>

**4 Definitions**

<b>Alcohol</b>	Means a liquor, brew or drinking substance containing ethyl alcohol or ethanol as the active agent.
<b>Employee Assistance Program (EAP)</b>	Means the program provided by trained professionals operating external to Territory Generation for the provision of counselling, information and assistance to employees.
<b>Fit for work</b>	Means that a person is in a state (physical, mental and emotional) which enables them to perform assigned tasks competently and in a manner which does not threaten or compromise the safety or health of themselves or others.
<b>Worker</b>	Means employees, contractors, subcontractors, apprentices, volunteers and students
<b>Line Manager/Supervisor</b>	Means the person the worker directly reports to.
<b>Drug</b>	Means any substance, article, preparation or mixture (with the exception of alcohol) in any form which has the ability to alter a person's state of mind. This includes illicit drugs and prescription medications.
<b>Impairment</b>	<p>Means a workers performance or behaviour is adversely affected by any matter, circumstance, illness or substance.</p> <p>Examples may include:</p> <ul style="list-style-type: none"> <li>• Being under the influence of alcohol</li> <li>• Being under the influence or affected by drugs (illegal or legal, including prescription or 'over the counter' medicines and herbal drugs);</li> <li>• Being fatigued</li> <li>• Being emotionally or physically stressed</li> <li>• Being medically unfit for duties</li> </ul>
<b>Disciplinary action</b>	Means an action taken at the discretion of Territory Generation in accordance with the terms of the <i>Public Sector Employment and Management Act</i> , which may include termination of employment of a Worker, termination of engagement of a Contractor or refusal of entry to

	a Contractor's Worker.
<b>Shall</b>	Mandatory requirement
<b>Should</b>	Advisory requirement

## 5 References

- NT Work Health and Safety (National Uniform Legislation) Act Jan 2012
- NT Work Health and Safety (National Uniform Legislation) Regulations June 2013
- Public Sector Employment Management Act (PSEMA) including Code of Conduct
- Fair Work Act 2009
- *WHS-51 Fatigue Management Procedure*
- *WHS-52 Working in Hot and Cold Conditions Procedure*

## 6 Records

- All information and records relating to alcohol and/or other drug issues are confidential and shall be stored within TRIM in accordance with appropriate access controls.

## 7 Attachments

- Attachment 1: Reasonable Belief of Impairment Checklist
- Attachment 2: Fitness for Work Flow Chart

## 8 General requirements – Duty of Care

- 8.1 All Line Managers/Supervisors have an overarching responsibility to ensure that workers under their control are in a fit condition to carry out their duties safely.
- 8.2 Workers have an individual responsibility to ensure that they are in a fit condition to carry out their job safely and to the expected level.
- 8.3 Workers also have a general responsibility to ensure that their co-workers are in a fit condition to perform the work required in a manner that does not threaten the safety of themselves or others.
- 8.4 If any worker feels that they may be impaired or believes that a co-worker is impaired; they are required to report this to their Line Manager/Supervisor.

## 9 Worker self help

- 9.1 All workers are strongly encouraged to report to their Line Manager/Supervisor if they feel that they are unable to carry out their job safely or to the expected level
- 9.2 If a worker is taking any kind of medication that may affect them carrying out their duties safely they are required to report this to their Line Manager/Supervisor. Note: A letter from the workers Doctor may be required to confirm that it is safe to continue working while on prescribed medication.

- 9.3 All workers are encouraged to seek assistance if affected by impairment, through any of the means below:
- Seeing their Doctor
  - Making a self-referral to the Employee Assistance Program (EAP)
  - Discussing with their immediate Line Manager/Supervisor
  - Discussing with any member of the safety team
  - Discussing with the Human Resource Consultant

## **10 Reasonable belief of Impairment in others**

- 10.1 If a worker has a reasonable belief that a person may be impaired, the worker should promptly inform their Line Manager/Supervisor.
- 10.2 If a worker reasonably believes that any person on site may be a health and safety risk to themselves or others, they should immediately inform their Line Manager/Supervisor of this belief.
- 10.3 In relation to an impaired person, a worker may cease or refuse to carry out work if the worker has a reasonable concern that continuing would expose them to serious risk of their health and safety.
- 10.4 Observations that may indicate a worker is unfit for work may include:
- a) Drowsiness
  - b) Poor judgement
  - c) Slow reactions
  - d) Mood changes
  - e) Gastrointestinal upset or severe headache
  - f) Alcohol smell on breath or clothing
- 10.5 The "Reasonable Belief of Impairment Checklist" (See attachment 1) may assist in assessing if a person may be unfit for work, and can be completed before approaching the person to discuss concerns.

## **11 Manager/Supervisor responsibilities**

- 11.1 Managers, Supervisors and Coordinators should be alert to signs of impairment in their staff.
- 11.2 Managers/Supervisors are required to ensure that on becoming aware of a fitness for work issue by:
- a) establishing a reasonable belief, or
  - b) on being advised by another worker of a reasonable belief, or
  - c) on being advised by the worker themselves;

That they take all reasonable actions necessary, based on the circumstances.

- 11.3 The relevant Line Manager/Supervisor should immediately arrange in a discrete manner to meet with the worker in private to establish the situation. The discussion held may include outlining the behaviour(s) that has been observed and why the behaviour(s) might be a safety risk or potential concern; allowing the worker opportunity to respond.
- 11.4 Subject to the worker's response the Line Manager/Supervisor should then determine the level of risk in the context of the job being undertaken, the nature of the problem, the work environment, and the likelihood of the worker hurting themselves or others.
- 11.5 If after careful consideration of the relevant factors it is determined the evidence is inconclusive, or the workers response is satisfactory and there is a none/low risk to the health and safety of workers, no further action may be required however the situation should be monitored.
- 11.6 If it is determined that the worker may be at risk, immediate action should be taken in consultation with the worker and may include:
- a) Provision of time out/increased work breaks/task rotation
  - b) Assigning the worker other temporary duties
  - c) Reducing hours on the day of the incident
  - d) Making arrangements for the worker to be taken home
  - e) Making arrangements for the worker to be taken for medical assistance or to other support services (after liaison with Human Resources)
  - f) Linking/referring the worker to the Employee Assistance Program (EAP)
  - g) Seeking further advice from Human Resources/WHS team/ or other relevant person(s).
  - h) Provision of specific actions relating to fatigue and heat stress management, where applicable.
- 11.7 The Line Manager/Supervisor should retain all relevant records relating to the incident and any actions taken.
- 11.8 Where a worker has to take time off due to an impairment it may be treated as sick leave under the relevant Line Managers discretion. Depending on the impairment circumstances appropriate leave, workers compensation arrangements or other arrangements will be actioned as per Human Resource directions.
- 11.9 All Employees will be actively supported and assisted where they voluntarily disclose an impairment created by alcohol or drug dependency.
- 11.10 In the event or repeated incidents of impairment or where a worker refuses to discuss or undertake any supportive actions following all reasonable attempts; where there is a reasonable belief of impairment; the Line Manager/Supervisor shall immediately escalate the issue to Senior Management/Human Resources and/or the WHS Group, for further advice and follow up.
- 11.11 The management of repeated incidents of fitness for work impairment are outside of the scope of this document and in these instances advice should be sought from Human Resources.

## **12 Employee Assistance Program (EAP)**

- 12.1 An Employee Assistance Program (EAP) is available to assist employees with personal problems such as; emotional distress, family or relationship issues, depression, work related stress or substance abuse.

- 12.2 The EAP is free and completely confidential for employees and as such there is the ability for employees to confidentially participate in a range of counselling, support or Drug and Alcohol Rehabilitation programmes as determined by the EAP provider. The EAP provider should be contacted to arrange this.
- 12.3 Territory Generation will fund up to five such sessions where a Worker voluntarily advises that they have difficulties with impairment factors detailed in this procedure and seeks assistance. Such a request for assistance should be made to the relevant Human Resources and will be treated in confidence. Depending on the circumstances, additional funded counselling sessions may be approved.

### **13 Potential disciplinary consequences**

- 13.1 Whilst alcohol or other drug related impairments will be in general treated in a similar way to other impairments such as fatigue or stress etc. employees need to be aware that the misuse of alcohol or drugs in the workplace or in situations where there is a relevant connection to the persons employment; may lead to potential disciplinary consequences under the Public Sector Employment and Management Act, the Fair Work Act and/or national uniform WHS legislation.
- 13.2 By virtue of section 49 (d) and (f) of the PSEMA, an employee who uses a substance (including liquor or a drug) in a manner that results in inadequate performance of the employee's duties or improper conduct in the place of employment, or in circumstances having a relevant connection to the employment, commits a breach of discipline.
- 13.3 In the event that disciplinary consequences arise in relation to alcohol and drug related impairments all matters will be managed confidentially through Human Resources.

### **14 Information, training and instruction**

- 14.1 Relevant information, training and instruction shall be provided on the identification and management of fitness for work impairment to all relevant personnel.



**15 Attachment 1: Reasonable Belief of Impairment Checklist**

This checklist can be completed by a Line manager/Supervisor, and where possible with the assistance of another Manager or Supervisor; when there is reasonable belief that a worker at work is unfit for duty. Where the person is demonstrating one or more of the following symptoms or behaviours the person may be reasonably suspected of being impaired and the process outlined in the fitness for work flow chart (Attachment 2) should be followed. NOTE: Care should be taken in applying this checklist, as some of the behaviours/symptoms outlined below are similar to those for the onset or occurrence of illnesses therefore these are listed as a guide only.

Location _____				
Time _____ a.m. _____ p.m. Date _____				
<b>Observation Checklist:</b>				
Are the observed behaviours more or less noticeable compared to the employee's normal behaviour?				
<b>Walking:</b> <input type="checkbox"/> Holding on <input type="checkbox"/> Stumbling <input type="checkbox"/> Unable to walk <input type="checkbox"/> Un-steady <input type="checkbox"/> Staggering <input type="checkbox"/> Swaying <input type="checkbox"/> Falling <input type="checkbox"/> Other (describe)	<b>Standing:</b> <input type="checkbox"/> Swaying <input type="checkbox"/> Feet wide apart <input type="checkbox"/> Unable to stand <input type="checkbox"/> Rigid <input type="checkbox"/> Staggering <input type="checkbox"/> Sagging at knees <input type="checkbox"/> Other (describe)	<b>Movements:</b> <input type="checkbox"/> Fumbling <input type="checkbox"/> Jerky <input type="checkbox"/> Nervous <input type="checkbox"/> Slow <input type="checkbox"/> Hyperactive <input type="checkbox"/> Other(describe)	<b>Demeanour:</b> <input type="checkbox"/> Uncooperative <input type="checkbox"/> Talkative <input type="checkbox"/> Aggressive <input type="checkbox"/> Argumentative <input type="checkbox"/> Excited <input type="checkbox"/> Crying <input type="checkbox"/> Sarcastic <input type="checkbox"/> Overly calm <input type="checkbox"/> Sleepy <input type="checkbox"/> Sleeping <input type="checkbox"/> Other (describe)	<b>Speech:</b> <input type="checkbox"/> Whispering <input type="checkbox"/> Slurred <input type="checkbox"/> Shouting <input type="checkbox"/> Incoherent <input type="checkbox"/> Slobbering <input type="checkbox"/> Silent <input type="checkbox"/> Rambling <input type="checkbox"/> Mute <input type="checkbox"/> Slow <input type="checkbox"/> Other (describe)
<b>Actions:</b> <input type="checkbox"/> Hostile <input type="checkbox"/> Fighting <input type="checkbox"/> Profanity <input type="checkbox"/> Drowsy <input type="checkbox"/> Threatening <input type="checkbox"/> Hyperactive <input type="checkbox"/> Erratic <input type="checkbox"/> Overly Calm <input type="checkbox"/> Avoiding communication <input type="checkbox"/> Other(describe)	<b>Eyes:</b> <input type="checkbox"/> Bloodshot <input type="checkbox"/> Watery <input type="checkbox"/> Droopy <input type="checkbox"/> Dilated <input type="checkbox"/> Glassy <input type="checkbox"/> Closed <input type="checkbox"/> Other (describe)  <b>Face:</b> <input type="checkbox"/> Flushed <input type="checkbox"/> Pale <input type="checkbox"/> Sweaty <input type="checkbox"/> Other (describe)	<b>Appearance:</b> <input type="checkbox"/> Unruly <input type="checkbox"/> Messy <input type="checkbox"/> Dirty <input type="checkbox"/> Other (describe)  <b>Clothing:</b> <input type="checkbox"/> Stains on clothing <input type="checkbox"/> Having undue odour <input type="checkbox"/> Partially dressed <input type="checkbox"/> Other	<b>Breath:</b> <input type="checkbox"/> Alcoholic odour <input type="checkbox"/> Sweet/pungent tobacco odour <input type="checkbox"/> Other(describe)  <b>Heavy use of:</b> <input type="checkbox"/> Chewing gum <input type="checkbox"/> Sweets <input type="checkbox"/> Mints Chewing: <input type="checkbox"/> Breath spray <input type="checkbox"/> Other (describe)	<b>Additional comments:</b>          
Supervisor/Manager Signature _____			Date _____	
Witness Signature _____			Date _____	

16 Attachment 2: Fitness for Work Flow Chart

