

## COUNCIL POLICY

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### Fitness for Duty Policy

Policy No: 3.7

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## 1. INTRODUCTION

The Shire of Katanning is committed to the provision of a safe and healthy and productive workplace for all persons working for or on behalf of the Council no matter the location.

To ensure the provision of a safe and healthy workplace the Council has a ZERO tolerance to the misuse of alcohol or other drugs, either legal or illegal, whilst attending any Council work location. In effect, this means that individuals have a responsibility to maintain themselves 'Fit to Work' at all times whilst working for or on behalf of the Council.

The purpose of this policy is to ensure the following:

- a) That employees, contractors, sub-contractors and volunteers are fit for work and not under the influence of alcohol and/or other drugs whilst in the workplace.
- b) That the safety and wellbeing of staff, volunteers and the public are not placed at risk by the actions of an employee under the influence of drugs and / or alcohol.
- c) That the illegal and criminal activity of cultivation, possession or dealing in drugs does not occur whilst in the workplace.

Participation in random alcohol and other drug testing is a condition of working for the Council at any work location or for entry to any Council workplace. The intent of this policy is to provide direction for the management of fitness for work in areas under the control of the Shire of Katanning (Council).

As a condition of working for, or contracting to, the Council all personnel agree to be bound by the requirements of this policy. The Council reserves the right to exercise its discretion to undertake random testing of any nature at any time in any work location.

The Council also reserves the right to remove access rights to Council controlled areas when this policy is breached.

This policy will also be applied to any individual accessing a Council work location regardless of their employment status. Including where a person may be employed by multiple companies, this policy will apply to an individual as if they only had one employer.

## 2. SCOPE

This policy applies to all persons accessing Council work locations, including all Council staff, councillors and consultants as well as volunteers, visitors, community members and contractors.

This policy does not extend into individual contractor business sites.

Contractors are expected to have their own safe system of work in place to ensure that all persons accessing their work locations are fit to do so.

Where a law may have been broken, the Council reserves the right to contact the WA Police.

## 3. DEFINITIONS

**BAC** – Blood Alcohol Concentration or its equivalent Breath Alcohol Concentration. The units used for expression of Blood Alcohol Concentration in this policy being percent (%) with the equivalent breath concentration being expressed as grams to 210 litres of expired breath.

**Candidate** – For the purposes of this policy, any worker who is participating in a fitness for duty test.

**Chain-of-custody** – A series of policies to account for the integrity of each urine or oral fluid specimen by tracking its handling and storage from point of collection to final disposal of the specimen.

**Confirmatory test** – An analytical policy that uses mass spectrometry to identify and quantify unequivocally a specific drug or metabolite.

**Confirmed negative** – A result at or below the target concentration following confirmatory testing.

**Confirmed positive** – A result above the target concentration following testing. This equates to; BAC (alcohol) - greater than 0.000 at test – Please note a drug test can only be confirmed positive following laboratory testing.

**Drug and Alcohol Tester** – A member of the Council staff tasked with coordinating the Drug and Alcohol program on all Council workplaces.

**Employees** – Persons employed by the Shire of Katanning.

**Fitness for Duty** – Describes the physical or mental condition of a person whereby the person can be reasonably expected to undertake a task without incurring unacceptable risks to the health and safety of themselves or any other person.

**Incident** – An ‘incident’ is an unplanned event that causes, or has the potential to cause, injury, damage to property, harm to the environment, financial loss or impact on the reputation of the organisation.

**Laboratory** – A laboratory to carry out chemical analysis in conformity to the requirements of AS/NZS 4308:2008 Procedures for the collection, detection, and quantitation of drugs of abuse in urine and AS 4760:2006 Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.

**NATA** – National Association of Testing Authorities.

**Non-negative result** – This is an initial indicator from the swab (drugs) test that will require further laboratory testing.

**Prescribed Drug** – Any substance prescribed by a medical practitioner that has restriction or specific instructions associated with its use.

**Worker** – Includes Employees, Contractors, Visitors, and other persons undertaking work or accessing areas under Council control.

#### **4. COMMITMENT TO FITNESS FOR DUTY**

This policy addresses drug and alcohol use in the workplace and management of fatigue and other fitness for duty issues. The policy supports and is to be read in conjunction with the Disciplinary Policy.

The Council has adopted a zero tolerance to impairment caused by alcohol and other drugs to ensure its obligation to provide a safe and healthy workplace is met.

A medical assessment will form part of the pre-employment checks on all persons who reach preferred applicant status for positions with the Council. This assessment will include a drug and / or alcohol test. Testing shall be conducted in accordance with the Australian Standard AS/NZS 4308:2008 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

The policy covers all Council staff, councillors and contractors, it also extends to cover volunteers and any persons performing work for, or with, the Council and is a condition of access to any Council work location regardless of the reason for access.

Failure to abide by this policy may result in withdrawal of an individual's permission to remain in the workplace and may lead to disciplinary action.

Council staff and or contractors must not cultivate, consume, use, or possess illegal drugs in the workplace.

A function on any Council premises where alcohol is consumed must be approved in advance and in writing by the CEO. Council staff or contractors must not consume alcohol in the workplace if they are subject to duties.

On occasions where alcohol may be included as part of a work function or other recognised work event, sufficient non-alcoholic alternatives are to be provided. Where such a function is authorised, persons are not to bring or provide additional alcohol.

Where the consumption of alcohol at a Council function or event is approved, all persons must apply a 'duty of care' for their own and other peoples' safety and wellbeing. Note that such approval does not override any legal requirements, for example, compliance with the WA road laws etc.

Any failure to follow directions by Council management regarding the consumption of alcohol at a Council function or event may result in disciplinary action being taken by the CEO.

Council Staff and or contractors must arrange their own transport in relation to any Council function or event. The Council does not accept responsibility or liability for employees during travel to and from any Council function or event.

## **5. RESPONSIBILITIES**

All Council staff, contractors, volunteers, or other persons doing work for the Council must report to their manager or leading hand any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs.

Council Staff & others accessing a Council workplace must;

- Not commence work if in any doubt about their fitness for duty.
- Inform their leading hand or manager of their absence and time away from work will be taken as sick leave (for Council employees).
- Discuss with their doctor or pharmacist the requirements of their role and whether any prescribed or over the counter medication could impact on working safely, if taking prescription or pharmaceutical medication.
- Obtain a letter from the Doctor indicating what impacts could arise, where impacts are expected – all persons should also carefully read any information sheets provided with medication.

- Speak with their leading hand or manager if unsure as to fitness for duty.
- Discuss with their manager if they are concerned about working with other employees because of a perceived safety risk due to fitness for duty issues.

All Contractors are responsible for;

- Their employees whilst on or about Council work locations always regarding fitness for duty.
- Always complying with this policy whilst on Council work locations.
- Maintaining their own fitness for duty policy and / or procedures which are, at a minimum, in line with this policy whilst on or about Council work locations.
- Implementing appropriate disciplinary actions for any employee who breach this policy whilst on or about Council work locations.

Any disciplinary action(s) will be discussed with the Council's Chief Executive Officer.

Drug & Alcohol Tester

- Responsible for ensuring adherence to testing procedures outlined in this Policy.
- Checking and testing equipment and kit prior to conducting testing.
- Maintaining relevant documentation.
- Coordinating training for testers.
- Maintaining and calibrating the monitoring equipment.
- Liaising with the CEO & Executive Manager when a non-negative result is received.
- Liaising with the Medical Centre in relation to testing requirements and results.
- Ensuring adequate stocks of test kits and mouth pieces are available.

Leading Hand / Manager

- Taking prompt and appropriate action where they have reasonable cause to suspect an individual may not be fit for duty.
- Ensuring that adequate rest breaks are allowed between work periods to ensure that fatigue is managed.
- Contacting the Shire CEO for advice on the application of this policy, if needed.
- Identifying the possibility that a decline in work performance could be the result of illness, disability or other personal factors and may not be directly related to fatigue, alcohol or other drug use.
- Confidentially entering any breaches into the Council's incident reporting system.

CEO / Executive Managers

- Coordinating the random drug and alcohol testing program.
- Authorising Lead and Assistant Testers.
- Ensuring the Policy is regularly reviewed and maintained.
- Ensuring sufficient budget for implementing Policy requirements.
- Implement disciplinary actions and return to work program.

## 6. INFORMATION AND TRAINING

Workers will be made aware of Council's Fitness for Duty Policy and their responsibilities through toolbox meetings and the Council's induction process. The policy is available on the Council's website.

The Council will provide practical guidelines and training to relevant personnel on fitness for duty issues. Additional signage is also located at key Council work locations.

## 7. IMPAIRMENT INDICATORS

Impairment refers to an inability of an individual to safely undertake tasks at their normal level of concentration and performance. Impairment can be associated with a range of factors including fatigue, stress or anxiety, environmental factors (heat, dust, noise, chemicals), drug or alcohol use. Regardless of the reason, workers who are impaired must not be involved in tasks that could jeopardise their safety or that of others.

Managers and supervisors are responsible for approaching an individual to determine their fitness for duty where they suspect a person may be impaired.

The potential impact on work performance and / or safety of the person or other workers is to be discussed.

Drug or alcohol indicators: These can include habitual lateness or excessive absenteeism, extended lunch breaks, aggressive outbursts, problems with coordination, forgetfulness or 'near miss' incidents, time management issues, clear intoxication at work or signs of drinking or drug taking prior to the commencement of work.

These signs may include:

- Smell of alcohol on the breath.
- Slurred or incoherent speech.
- Unsteadiness.
- Red, bloodshot, or watery eyes.
- Flushed or ruddy face.
- Noticeably smaller or larger pupils.
- Lack of or poor muscle coordination.
- Over-excitement or agitation.
- Difficulty with simple instructions.
- Drowsiness or falling asleep.
- Difficulty in concentrating.
- Poor balance and coordination.
- Loss of inhibitions.
- Aggressive or argumentative behaviour.

Fatigue Indicators include:

- Not feeling refreshed after sleep.
- A greater tendency to fall asleep while at work.
- More frequent naps during leisure hours.
- Feelings of sleepiness.
- Extended sleep during days off.
- Increased errors and loss of concentration at work.

Sleep Indicators include:

- A drowsy feeling.
- Blurred vision.
- Difficulty keeping eyes open.
- Head nodding.
- Excessive yawning.
- Repeatedly drifting out of lane if driving.

## **8. ALCOHOL AND DRUG TESTING**

Taking part in random alcohol and other drug testing is a condition of entry to any Council work location.

A worker may also be requested to provide a test or screening sample to a representative of the Council or an external tester appointed by the CEO where:

- There is reasonable suspicion or cause that the worker may be under the influence of alcohol or other drugs.
- A worker has been directly or significantly involved in any incident.
- The worker is returning to work after an alcohol or other drug rehabilitation program.
- The worker's behaviour indicates impairment.
- The worker commits any act of neglect or carelessness or breach of safety requirements.
- A material decline in work performance or work attendance or any other irrational behaviour is apparent.
- The worker has contravened the Council's fitness for duty requirements in terms of alcohol or other drug use.

## **9. REFUSING A TEST**

Where an individual refuses to participate in testing, the disciplinary consequences shall be explained to the individual and the request repeated.

Further, refusal to participate or failing to attend for testing shall be deemed as a failed screening result and the individual concerned shall have the disciplinary process applied and must supply a negative drug test (at the employee's cost) and alcohol test before being able to return to the workplace.

## **10. CAUSE AND SUSPICION TESTING**

### **a. Cause Testing**

Cause testing may be conducted on any Councillor, Council employee, volunteer or contractor directly involved in an incident.

### **b. Suspicion Testing**

Where a leading hand or manager has reasonable suspicion, a worker may be under the influence of drugs or alcohol, the leading hand or manager has reasonable cause to test the identified person.

Cause and Suspicion Testing may be conducted by an authorised tester who will conduct the required tests in compliance with this Policy and relevant guidelines.

## **11. WORKPLACE ASSISTANCE FOR SUBSTANCE ABUSE PROBLEM**

Council employees with a substance abuse problem are encouraged to speak with any of the following people for referral to the Employee Assistance Program (EAP);

- your manager
- the Coordinator People & Culture
- the Chief Executive Officer

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the Council will aid the employee by;

- allowing an employee to access any accrued personal or annual leave while undergoing treatment, and;
- by taking steps to return an employee to their employment position after completion of the treatment program, if practicable in the circumstances.

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the manager with the support of senior managers, as appropriate, will review the full circumstances and agree on a course of action to be taken.

This may include redeployment to suitable alternative employment, or possible termination of employment if the employee is unable to safely carry out the requirements of their role.

## **12. ALCOHOL**

### **12.1 ALCOHOL TEST RESULTS**

In the event an employee or other person tests positive to alcohol, the following shall apply;

- a) The individual will not be allowed to return to the Council workplace until the CEO is satisfied that actions taken are appropriate & acceptable and include the provision of a negative test result prior to restarting.
- b) Test results are captured using the Drug and Alcohol Positive / Negative Test Record. For a Council employee, the results will be placed on the employee's personnel file and a first warning issued. For any other worker, the employing organisation will be notified immediately, and an incident logged (confidentially) in Council's incident system.
- c) The worker is to relocate to an amenities room to wait for a - Confirmatory Breath Test. During this wait period the candidate must not undertake work tasks, nor will they be able to smoke or consume any fluid or food until after the second test has been completed.
- d) After the worker relocates to an amenities room, they will be retested after 20 minutes. If the BAC content reading has fallen to 0.000 the candidate may resume their normal duties, otherwise they must be escorted from the workplace and not allowed to resume duties for the duration of that working day.
- e) If required to leave the workplace and the BAC is below the legal driving limit, it is acceptable to for the person to drive. Otherwise, the CEO will make alternative arrangements for them to be transported to their accommodation / home.



### **First Confirmed Positive**

A written warning will be issued to the employee. If over 0.05%, the employee will be encouraged to seek assistance through the Council's EAP provider.

If no further positives are recorded during the next 24 months the written warning will be withdrawn (initial BAC was less than 0.05%).

If the initial BAC was more than 0.05% the written warning will remain on the employee's file. The employee will be required to undergo further testing in line with their return-to-work program.

### **Second Confirmed Positive**

A final written warning will be issued to the employee for any repeat positives received during the 24 months following a positive test or if the previous offence was a recording over 0.05% BAC. The employee will be required to attend EAP counselling or other medical assistance and will be required to undergo further testing in line with their return-to-work program.

Final written warnings will remain on the employee's file.

### **Third Confirmed Positive**

If any positive alcohol offences occur whilst on a final warning, employment will be terminated.

## **12.2 CALIBRATION OF TEST EQUIPMENT**

Equipment used for alcohol breath testing must be calibrated in accordance with Australian Standard AS/ANZ 3547 Breath Alcohol Testing Device for Personnel Use.

A calibration certificate is issued when the Council's Breath Analyser unit is recalibrated.

Calibration certificates are to be recorded in Council's safety management system by the Coordinator of People and Culture.

## **13. DRUGS**

### **13.1 PRESCRIBED & OVER THE COUNTER MEDICATIONS**

The Council recognises that workers may at times take prescription or over-the-counter medications and that these may affect a workers' fitness for duty or show up in a random drug screening test.

Workers must advise their manager, at the earliest opportunity, either verbally or by completing the Council's internal Medicines Declaration Form if taking a medicine that has the potential to;

- 1) affect your fitness for duty (eg cause drowsiness) or
- 2) cause a non-negative random drug screening test result,

If uncertain, the worker is responsible for asking their doctor or pharmacist as to whether:

- 1) the medicine will affect fitness for duty; or
- 2) show up in a random drug test.

The categories of drugs and substances targeted in random drug tests are listed on page 12 of this policy.

Once advised of the workers' status the manager will direct the worker to duties appropriate to their level of fitness.

The advice may be provided verbally and if so, the relevant Manager must complete the Medicines Declaration Form, on the workers behalf and obtain the worker's signature, prior to the worker commencing or recommencing their work duties. The manager must then ensure the form is securely filed.

Medicine Declaration Forms are destroyed after 12 months or each year on 30 June, whichever is the earliest and must therefore be resubmitted annually.

### **13.2 INITIAL DRUG SCREEN**

The CEO reserves the right to conduct screening tests for the presence of drugs in any manner allowable under the Australian Standards.

If a candidate returns a non-negative screening test result, a urine sample collected as per AS/NZ 4308:2008 requirements shall be sent to an accredited laboratory for confirmation testing.

If at any time the Council's Drug and Alcohol Testers experience aggressive or potentially threatening behaviour the police will be called to attend.

### **13.3 ACTIONS POST DRUG SCREEN TEST – INCLUDING NON-NEGATIVE RESULT**

Action for negative initial screening test:

- Thank the worker for their participation.
- Complete required documentation and move on to the next person.

Action for non-negative initial screening test:

- Inform the worker of the result and relocate them to an appropriate and discrete room or area.
- Contact the worker's Manager and advise them of the situation and the requirements identified below.
- The Manager will investigate whether the worker has provided a completed Medical Declaration Form giving notice they are taking a drug that may affect their fitness for duty.
- If it is found the worker has completed a Medical Declaration Form and the CEO & Manager agree the test result is consistent with that advice, the worker will be allocated to light duties, but only after a urine sample has been supplied, as outlined below.
- If it is found that the worker has not advised the Council they are taking any prescription or over the counter medicine, the worker will be stood down, without pay and delivered to their place of residence, but only after they have provided a urine sample, as outlined below.
- If the screening test was undertaken with a urine sample, this sample will be delivered to the Medical Centre for preparation & dispatch to an accredited laboratory for confirmation testing.
- If the screening test was not taken from a urine sample then the worker will be either;
  - escorted to the Medical Centre, for collection of a urine sample; or –
  - a urine sample will be provided to a trained staff member or contractor;

and the sample will be prepared and dispatched by the Medical Centre, to an accredited laboratory for confirmation testing.

- The worker allocated to light duties following a non-negative screening result will remain on light duties until the urine test result has been received and subject to professional advice confirming the results are in-line with the notice given regarding prescribed or over the counter medication. Such confirmation will entitle the Manager to direct the worker to their normal duties.
- If the result is inconsistent with the notice given regarding prescribed or over the counter medication, appropriate actions will be taken in accordance with Sections 14 and 15, depending upon the worker either being a Council employee or a contractor.
- Procedure for the management of a worker who has tested non-negative and has not notified their Manager through the Medicines Declaration Form that they are taking a prescription or over the counter medicine that could affect their fitness for duty;
  - a. The worker will remain stood down from their duties until the test results have cleared them to return to work.
  - b. Test results will be provided confidentially and directly to the relevant Manager, nominated at the point the sample is delivered to the Medical Centre. The results will be confidentially discussed upon receipt with the relevant Manager and/or the CEO or if a contractor, to the nominated supervisor / manager. The worker must also receive a duplicate copy of the test results.
  - c. If the test is returned negative the worker will be permitted to return to work without further action. In this circumstance the worker will be paid as normal for the period they had been stood down.
  - d. If the test is confirmed positive or not in line with notice given regarding prescribed or over the counter medication, appropriate actions will be taken in accordance with Sections 14 and 15, depending upon the worker either being a Council employee or a contractor.

#### **13.4 LABORATORY TESTING OF URINE**

The only recognised standard that currently exists for the collection and analysis of human fluid samples for toxicological purposes in a laboratory setting is AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

The CEO will use NATA laboratories that are accredited to Class 10.61.16 Drugs for Toxicological Purposes. This standard is important as it guarantees the technical quality and integrity of the tests.

Testing must follow a rigorous set of procedures and shall be consistent with the requirements of AS/NZS 4308:2008. This standard requires the time, place and details of each person handling the sample to be documented (chain of custody) and for confidentiality of the process to be respected.

#### **13.5 DRUG SCREEN CUT-OFF LEVELS**

Confirmatory test cut-off levels for non-negative screening test results are defined by AS/NZS 4308 Procedures for Specimen Collection and the Detection and Quantification of Drugs of Abuse in Urine. These levels may vary as Australian Standards are amended.

The categories of drugs and substances prohibited by the Council as per AS/NZS 4308 are:

- **Opiates** - Morphine, codeine and monoacetylmorphine.
- **Sympathomimetic amines** - Amphetamines, methylamphetamine, methylenedioxyamphetamine (MDMA), phentermine, including ephedrine and pseudoephedrine.
- **Cannabis metabolites** - Tetrahydrocannabinol-9-carboxylic acid (THC).
- **Cocaine metabolites** - Benzoylecgonine and ecgonine methyl ester.
- **Benzodiazepines** – Oxazepam, temazepam, flunitrazepam, diazepam, nitrazepam, clonazepam or their metabolites.

The CEO reserves the right to have tests carried out for additional substances that may cause impairment.

#### **14. RETURN TO WORK FOLLOWING A POSITIVE (FAILED) TEST - COUNCIL EMPLOYEE**

If the confirmation is positive for a drug of abuse, the worker will be encouraged to attend counselling for drug and dependency issues.

If the worker attends counselling, the worker should arrange for the counsellor to communicate directly with the worker's Manager or CEO about the worker's attendance and to provide any other feedback that a counsellor would normally communicate to an employer, without breaching the confidence that exists between the worker & counsellor.

Before being entitled to return to the workplace, a negative drug test must be obtained from a NATA laboratory that is accredited to Class 10.61.16 Drugs for Toxicological Purposes, by the worker, at the worker's cost and the report submitted to the worker's manager.

On returning to the workplace, the worker will be issued a first and final warning letter and will be subject to a structured return to work program that will include at least two (2) unannounced drug screening tests, in addition to the Council's normal random testing program, over the following twelve months.

A return-to-work plan will be arranged through the Executive Manager of the workers team who will be informed by any feedback given by the drug & alcohol counselling service provider, the worker's doctor and the criticality of the work performed by the worker.

#### **15. RETURN TO WORK FOLLOWING A POSITIVE (FAILED) TEST – CONTRACTORS AND OTHER PERSONNEL**

In the event a contractor or volunteer returns a positive result, the worker's Supervisor will be advised immediately and their company's Fit for Duty and Disciplinary Policy will be followed.

Contractors, labour-hire, and other personnel working for the Council are required to participate in this fitness for duty policy as well as the procedures which apply in the event of a confirmed positive test for alcohol or other drugs.

All organisations are required to have made their own arrangements for suitable testing, breach, and support regimes for the personnel they are managing and / or providing. For clarity, this requirement should be incorporated into relevant contractor agreements and induction programs for contractors and labour-hire personnel.

In the event a worker tests positive to alcohol or drugs their employer will be notified so that appropriate action can be taken.

The worker will have their duties for the Council suspended and will not be allowed to return to a Council workplace until they provide a negative test result.

Any actions taken by the employing company to prevent reoccurrence must be to the satisfaction of the CEO and be appropriate and acceptable.

The CEO may also request a return-to-work plan that would place controls to prevent further breaches of this policy. Failure to meet the requirements or follow an agreed plan would mean further suspension of the worker's ability to perform work in any Council workplace.

## **16 FATIGUE AND WORKING HOURS ARRANGEMENTS**

Sleep deprivation, sleep disturbance, fatigue and stress are health risks that can be associated with long working hours and factors outside the workplace. These health risks may have implications for safety standards and the prevention of incidents.

Work life and personal life are inter-related with personal life having the ability to influence a person's fitness for work.

No matter how much sleep a person has beforehand, they will feel sleepy between 1.00 am and 6.00 am because of the body's natural circadian rhythm (body clock).

Research indicates that a fatigued person's performance may be like that of a person with a BAC of 0.1 which, is twice the legal driving limit.

The Council mandates a maximum 12-hour work period for any individual working in any Council workplace.

A minimum of 10 hours of rest is required in any 24-hour period.

## **17. PRIVACY AND CONFIDENTIALITY**

Confidentiality is fundamental in order to protect the privacy of individuals. To ensure the highest level of confidentiality is maintained:

- Conversations relating to work performance, or the misuse of alcohol or other drugs must be confidential and conducted in private.
- Documentation relating to the implementation of this policy must be kept confidential.
- It is the responsibility of the CEO to ensure that counsellors providing services to their employees are aware of the confidentiality requirements relating to client information.

The CEO will respect the rights of employees to privacy in matters relating to the use of the EAP or other counselling services and communicate those rights to employees. The practices to be implemented are:

- Information relating to counselling must be treated as confidential.
- Psychologists are bound by their code of conduct to respect the confidentiality of information obtained in the course of their work. They may disclose such information to others only with the consent of the client or the client's legal representative except in those cases where failure to disclose information would result in a clear danger to the individual or another person.
- Counsellors who are not psychologists are not required to be registered with a professional association and therefore may not be bound by a code of conduct. It is the responsibility of the CEO to ensure that counsellors are aware of the confidentiality requirements relating to client information.
- Employees may wish to have their manager liaise with their counsellor. In this case, the employee must give written permission for information to be disclosed. The information that can be disclosed in such circumstances is limited to that which is required to support the most effective management of a performance-related problem and the reintegration of the employee into the workforce.
- Where counselling is a compulsory requirement, the CEO will need to be provided with a report as to whether counselling is progressing satisfactorily, whether adjustments are needed to the employee's work and whether the counselling is likely to lead to no further breaches occurring. A counsellor without divulging information of a personal nature can provide this information.

## **18 RECORD KEEPING**

The privacy of any records relating to work performance and counselling, treatment or rehabilitation must be securely protected. Records should only focus on the drug and/or alcohol issues as they relate to work readiness and performance. All records are to be retained on the employee's personnel file and archived and disposed of in accordance with organisational disposal schedules for personnel records.

## **19 REFERENCES**

The following documents provide more guidance:

- WHS ACT WA 2020
- WHS ACT WA 2022 Regulations
- AS/ANZ 3547 Breath alcohol testing device for personal use.
- AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.
- AS 4760:2006 Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.
- NATA laboratories that are accredited to Class 10.61.16 Drugs for Toxicological Purposes.
- Code of Practice Working Hours - WA Department of Commerce (WorkSafe).

**Resolution Number:** Ordinary Council Meeting OC50/24

**Resolution Date:** 22 May 2024

**Last Amendment Date:** Major Review and re-write – 8 May 2024

**Former Policy Reference:** Fitness for Work  
First adopted  
Policy Fitness for Work – adopted

**Shire Related Documents:** Policy Work Health and Safety (WHS)  
Policy Disciplinary Policy  
Grievances, Investigations, and Resolution Procedure

**Related Legislation:** Workplace Health and Safety Act 2020  
Workplace Health and Safety Regulations 2022  
AS/NZS 4801: 2001

**Date of Review:** October annually

**Review Responsibility:** Chief Executive Officer