



Fitness for Work Policy

1. Purpose

Under the [Work Health Safety Act 2020](#) (WHS Act 2020), and the [Work Health and Safety \(General\) Regulations 2022](#), the WA Country Health Service (WACHS) has a duty of care to provide a safe working environment. WACHS is committed to ensuring the safety of workers and others in the workplace by providing appropriate support to workers who have a non-compensable condition.

In addition to WACHS' obligations, under the [Health Practitioner Regulation National Law \(WA\) Act 2010](#), workers registered as practitioners under the Australian Health Practitioner Regulation Agency (AHPRA), may be required to undergo a health assessment if it is reasonably believed that the practitioner has, or may have, an impairment that may adversely affect their capacity to practice.

2. Policy

Workers are required to be in a fit and proper condition when presenting to work and whilst at work for WACHS and on WACHS sites, as per the MP 0124/19 [Code of Conduct](#). It is a condition of employment that all workers must be fit to perform the inherent requirements of their position as required by their contract of employment.

The management of fitness for work (FFW) is a shared responsibility between WACHS and each worker, in conjunction with appropriate medical advice. This policy applies where a worker's ability to perform the inherent requirements of their role may be affected by a non-compensable condition. For employees with identified and recognised disabilities, this means to the standard normally expected on a regular and ongoing basis

If a worker's safety or performance is impaired, the Manager shall manage the worker's risk to themselves and others within the workplace using a risk management approach. Fitness for work concerns may be raised by the manager, the worker themselves, or other persons in the workplace. If required, immediate control measures should be implemented.

Some options are:

- Temporarily limiting the worker's tasks - under a fitness for work process.
- Immediate removal from the workplace:
 - If the worker is excluded from the workplace, the manager must ensure they have capacity for safe travel home.
- Referral for medical review.

2.1 Assessment of fitness for work

A worker may be unable to safely perform, or is restricted in their capacity to undertake, the inherent requirements of their position because of a non-compensable condition.

Factors that may affect a worker's fitness for work include (but are not limited to):

- general health and fitness
- secondary employment or volunteer activities
- recreational activities and sport
- medications
- fatigue or insufficient sleep
- excessive work hours or demands
- injury or illness
- pregnancy
- medical conditions
- prescribed or non-prescribed medications
- consumption of alcohol or other drugs
- personal matters (e.g., psychological, or psychiatric health, family issues, domestic violence, or illnesses).

The circumstances and impact are to be assessed by the relevant line manager in consultation with regional Work Health and Safety (WHS) and regional Human Resources (HR), considering:

- workplace duty of care to provide a safe working environment
- worker's ability to undertake the inherent requirement of their position
- potential impact on the work area and service delivery
- medical advice and recommendations
- operational requirements
- applicable industrial instruments
- any other relevant information.

Discussion between the worker and line manager, in consultation with WHS and HR may take place in the first instance. Consideration is to be given to any reasonable and practicable modifications or restrictions able to be safely accommodated in the workplace.

Assessment and control measures may include, but are not limited to, the following, with approved consent where applicable:

- seeking information of the workers medical status from the treating medical practitioner
- requesting medical information from the worker
- seeking an independent medical examination of the worker
- directing the worker to cease duties and leave the premises:
 - Note: where a worker is sent home, the Manager must ensure the worker has a safe means of transport home.

For further information, line managers can consult with HR and WHS for guidance and support.

Independent Medical Examination

WACHS may request a worker to attend an appointment with the WACHS Occupational Physician or an appropriate specialist for an independent medical examination (IME), ascertain their capacity to perform the inherent requirements of their position. Requests for medical assessments will be in accordance with the applicable industrial instruments, and at the cost of the departmental work area. A decision to proceed with an IME must be undertaken by the level of management outlined in the Authorisations Schedule. The decision must be made in consultation with the Staff Health and Wellbeing Unit (SHWU).

Fit for work plan

Medical advice will be reviewed and considered by SHWU. Following agreement between WACHS and the worker, a 'fit for work plan', where appropriate, may be developed in consultation with the following stakeholders as appropriate: WHS, HR, the Line Manager and SHWU/Injury Management Coordinator (IMC).

Students, Contractors, Agency, Medical Services Agreement, Unremunerated Clinical Observers, External Volunteers (Non-WACHS Worker)

A worker may be directed away from the workplace if there is reasonable suspicion they are not in a fit and proper condition to perform their duties. The manager will notify the appropriate employing authority or organisation responsible if applicable, and reference will be made to the appropriate policy governing these groups.

3. Roles and Responsibilities

The **Workers** are required to:

- act professionally and present for work in a fit and healthy state to perform their inherent duties, for example, ensuring they are not fatigued or under the influence of alcohol or other drugs
- inform their manager as soon as possible if they are taking any medication which may impact their ability to safely undertake the inherent requirements of their position
- notify their manager of any non-compensable condition preventing them from being able to safely undertake the inherent requirements of their position
 - as soon as possible, inform their manager if there has been a change in their capacity or fitness, either on a temporary or permanent basis.
- cooperate and provide reasonable medical evidence or documentation from their treating medical practitioner to assist in the determination of their FFW
- attend and actively participate in FFW processes such as meetings and IME's when reasonably directed to do so by WACHS
- actively participate in discussions around reasonable and practicable adjustments and modifications.

The **Line Managers/Supervisors** are required to:

- identify and address FFW issues within their work area in accordance with this policy, as soon as they become aware of such issues, including submitting a completed FFW referral form to WHS as required
- actively and openly engage with the worker in matters relating to potential and/or existing FFW issues

- offer appropriate support to workers, including the Employee Assistance Program (EAP), in accordance with the requirements of this policy
- undertake ongoing case management including:
 - monitoring progress and follow-ups
 - liaise with HR when:
 - a worker is deemed not fit for work and/or is directed to leave the premises
 - requires changes to contracted hours
 - regarding issues related to pay, entitlements and contractual matters
- consult with HR and WHS for guidance and support on technical advice, as required
- ensure they have the authority for any decisions or actions taken in compliance with the Authorisation Schedule.

The **Regional Work Health, Safety teams** are required to:

- provide support to managers in assisting to accommodate reasonable and practicable adjustments and modifications, within scope of medical recommendations
- recommend referral for job demands assessment, ergonomic assessment, or other relevant assessment as required
- support managers in documenting a fit for work plan
- ensure appropriate notification is provided to the relevant Tier 4
- seek advice from SHWU as required
- refer complex FFW cases to SHWU and the Regional Work, Health, Safety and Security (WHSS) Manager for guidance and assistance
- provide guidance and support to managers and HR, as required.

The **Regional Human Resources teams** are required to:

- provide advice to managers and workers on HR issues outside of FFW, including grievance and bullying pathways
- provide advice to managers and workers on workforce matters such as code of conduct, utilising leave, delegation authority schedule and termination of employment as required
- ensure appropriate notification is provided to the relevant Tier 4
- review available regional positions, role descriptions/requirements, establishment reports and other to assist with the selection of alternative roles/duties if operationally suitable
- under consultation with SHWU, correspond with medical practitioners and workers
- be responsible for seeking appropriate delegated authority to issue worker directives including directing away from work and directive to attend/participate in IME's
- forward any medical documentation to the SHWU team to maintain in accordance with WA Health Records Management Policy
- consult with WHS for guidance and support on technical advice as required
- liaise with Industrial Relations as required.

The **Injury Management Consultants** are required to provide advice on and assist in the planning and management of fit for work plans including the accommodation of any modifications and/or restrictions.

The **Staff Health and Wellbeing Unit (SHWU)** are required to:

- provide advice and guidance to regions on FFW processes including the appropriateness of adjustments and modifications
- provide advice to managers and workers on managing FFW issues and options available to workers

- recommend referral for IME's
- support Regional HR and Regional WHS to manage complex FFW cases including all cases requiring an IME
- be responsible for booking and referral process for IME's
- discuss findings of medical reports with managers and workers to implement appropriate actions
- refer cases to WACHS Occupational Physician (where applicable).

The **Tier 4 Managers** are required to:

- provide support and guidance to the relevant manager
- approve the requirement for an IME referral in consultation with SHWU
- be responsible for employee directives in relation to FFW matters.

The **Industrial Relations team** are available to provide advice to HR when required.

All staff are required to work within policies take reasonable care to ensure their own safety and that of others in the workplace.

4. Monitoring and Evaluation

4.1 Monitoring

WACHS regional stakeholders are responsible for monitoring and ensuring their FFW process complies with this policy.

Stakeholders include, but are not limited to:

- Line Managers.
- Regional Work Health and Safety Units:
 - Monthly and Quarterly Regional Work Health and Safety Reports,
- WACHS SHWU:
 - Quarterly reporting on number of cases referred to unit and number of IMEs completed.

4.2 Evaluation

Evaluation and review of this policy is to be carried out by the Work Health and Safety Department every five years.

5. Compliance

This policy is a mandatory requirement under the [Work Health Safety Act 2020](#).

Failure to comply with this may constitute a breach of the WA Health Code of Conduct (Code). The Code is part of the [Integrity Policy Framework](#) issued pursuant to Section 26 of the [Health Services Act 2016](#) and is binding on all WACHS staff which for this purpose includes trainees, students, volunteers, researchers, contractors for service (including all visiting health professionals and agency staff) and persons delivering training or education within WACHS.

WACHS staff are reminded that compliance with all policies and procedures is mandatory.

6. References

[Work Health and Safety \(General\) Regulations 2022 \(WA\)](#)

MP 0124/19 [Code of Conduct](#)

7. Definitions

Term	Definition
Duty of care	An employer must, as far as practicable, provide a work environment in which workers are not exposed to hazards. Workers must take reasonable care for their own safety and health, and that of others, at work.
Fit for work	A worker is able to safely perform the inherent requirements of their position.
Inherent requirements	The essential components of the role a worker is engaged to undertake, as indicated on the job description form.
Manager	A person responsible or with delegated responsibility to ensure oversight, compliance and implementation of this policy in the workplace.
Non- compensable condition	A condition that affects a worker's ability to perform the inherent requirements of their position that is not being managed under the WACHS Workers Compensation Procedure. This may include, but is not limited to, physical or psychological impairment, use of prescribed or non-prescription medication, alcohol or prohibited substances, fatigue or other concerns.
Return to work plan	A documented agreement outlining reasonable modifications or restrictions in accordance with medical recommendations.
Worker	A person defined under the Work Health and Safety Act 2020 as a person who carries out work in any capacity for a person conducting a business or undertaking

8. Document Summary

Coverage	WACHS
Audience	All WACHS employees and workers providing services to WACHS
Records Management	Non Clinical: Corporate Recordkeeping Compliance Policy Clinical: Health Record Management Policy
Related Legislation	<ul style="list-style-type: none"> • Disability Services Act 1993 (Commonwealth) • Equal Opportunity Act 1984 (WA) • Work Health Safety Act 2020 (WA) • Work Health and Safety (General) Regulations 2022 (WA)
Related Mandatory Policies / Frameworks	<ul style="list-style-type: none"> • MP 0124/19 Code of Conduct Policy • Employment Policy Framework • Work Health and Safety Policy Framework
Related WACHS Policy Documents	<ul style="list-style-type: none"> • Corporate Recordkeeping Compliance Policy • Fitness for Work Guideline • Hazard / Incident Management Procedure • Risk Management Policy • Work Health and Safety Policy
Other Related Documents	Nil
Related Forms	<ul style="list-style-type: none"> • Authority to Obtain and Release Medical Information Form • Fitness for Work Referral Form
Related Training Packages	Nil
Aboriginal Health Impact Statement Declaration (ISD)	ISD Record ID: 3136
National Safety and Quality Health Service (NSQHS) Standards	1.1a, 1.5, 1.6, 1.7c, 1.10, 1.10c, 1.22, 1.25
Aged Care Quality Standards	3, 7 and 8
Chief Psychiatrist's Standards for Clinical Care	2.13, 2.8, 2.6, 2.9, 2.12, 8.10, 8.7

9. Document Control

Version	Published date	Current from	Summary of changes
1.01	23 April 2024	29 March 2021	<p>Minor review:</p> <ul style="list-style-type: none"> • Legislative updates. • Mandatory Policy MP 0124/19 Code of Conduct update. • Inclusion of Staff Health and Wellbeing Unit responsibilities. • Template updated.

10. Approval

Policy Owner	Executive Director People Capability Culture
Co-approver	Nil
Contact	Director Work Health Safety Wellbeing
Business Unit	Work Health and Safety
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