

# Bulleen Art & Garden Fit for Work Policy

## Introduction

Bulleen Art & Garden considers the safety of its employees, customers, suppliers and the general public paramount in the operations of the business. This policy outlines BAAG's and your responsibilities regarding the attendance of employees in a condition fit for the expected duties and should be read in conjunction with the BAAG Workplace Agreement, position description and operational procedure documents.

## 1. Scope

- 1.1. This policy prescribes BAAG's intention to ensure a safe work place and safe work practices by ensuring that all employees are in a fit condition to perform their work without compromising their own safety, the safety of fellow employees or members of the public.
- 1.2. There is a legal obligation on BAAG to exercise a Duty of Care to all employees and members of the public.
- 1.3. This policy was developed in consultation with all employees.

## 2. Definitions

- 2.1. *Fit Condition.* The personal state of an employee at work where the employee is able to exercise the physical and intellectual abilities to perform their work at the required level of concentration, precision and skill and to present appropriate behaviour. An employee may not be fit due to illness, tiredness, emotional upset or the effects of prescribed medication or drugs including alcohol.
- 2.2. *Suspension.* A decision by the Company to prevent an employee from performing their normal work duties. A suspension of duty may or may not entitle the worker to pay for the period of suspension.
- 2.3. *Investigation.* A process of obtaining all relevant facts concerning an incident including those presented by the employee. External advice from appropriate expertise may also be obtained. An investigation will commence and conclude in a timely manner and will be conducted to the degree necessary.
- 2.4. *Counselling.* The process of establishing objectives with an employee and developing an agreement that attempts to ensure the continuation of the employment relationship to the satisfaction of the parties.
- 2.5. *Random Testing.* In positions specified in the policy a random selection of employees will be required to provide a sample for testing for the presence of drugs (including alcohol) which may affect performance.

### 3. What BAAG does to implement this policy

- 3.1. This policy was developed in consultation with employees and information explaining its purpose and application is made available to all employees.
- 3.2. Managers, as part of their supervision function determine the functional ability of each employee under their control at the commencement of, and throughout, the shift.

*Evidence exists demonstrating that a blood alcohol level of 0.03% has been demonstrated to impair mental and motor function.*

- 3.3. Managers are empowered to suspend work or amend the employee's work schedule if in their judgement the worker is not in a fit condition to perform work to the required standard or to perform work safely. As stated under the BAAG Workplace Agreement Section 35.2 "*Any employee deemed to be unfit for duty being affected by alcohol or drugs shall not commence their shift and will not be paid for the hours so rostered.*"
- 3.4. Following any suspension or change to work duties the company will investigate the facts of the matter including the worker's reasons as to why they were unfit for work.
- 3.5. If serious wilful misconduct had occurred which resulted in the continuation of the employment contract being untenable, termination of the employment by summary dismissal will be necessary.
- 3.6. At the conclusion of the investigation a counselling session will be called with the worker (who will be entitled to representation). The participation of the worker's medical, or other, advisers will be sought if relevant. Following the counselling session an agreement will be made with the employee to ensure the worker can perform their work in the future.
- 3.7. That agreement will be monitored and the employee evaluated.
- 3.8. Failure to work in accordance with the agreement may result in termination of employment.
- 3.9. As part of this policy alcohol or drugs will not be permitted to be brought onto, or consumed on, the company's premises without the prior permission of BAAG's senior managers. Failure to comply with this section will likely result in summary dismissal.
- 3.10. Any employee found to be trafficking or attempting to traffic drugs to any person while on company premises or while engaged in company employment (whether those drugs are present on the premises or to be provided to the other person off the premises) will be summarily dismissed.
- 3.11. The areas specified as being areas where random drug and alcohol testing will be conducted are:
  - 3.11.1.1. Heavy vehicle (truck) drivers. In these cases a positive reading will be deemed to be a breach of policy even when no impairment is apparent.

- 3.11.1.2. Drivers of internal vehicles such as fork lift trucks, front end loaders and nursery tractors/stock chasers (e.g. the gator).
- 3.11.1.3. Operators of heavy or dangerous equipment.
- 3.12. Specific testing may be required as part of a special employment agreement arising from a counselling session with an individual employee.
- 3.13. This policy will be reviewed annually by the Occupational Health and Safety Committee and recommendations for improvement put to senior management for approval.

#### **4. Summary of Responsibilities**

- 4.1. Supervisors and Managers
  - 4.1.1. Ensure all employees are aware of and understand this policy.
  - 4.1.2. As part of their daily function assess each employee for alertness and physical well-being to perform their functions safely.
  - 4.1.3. If an employee appears in a condition which may render them unfit for their scheduled work, the supervisor will assess that ability through testing or monitoring and direct the employee to either cease work or arrange a task which is within their capacity to manage safely.
  - 4.1.4. The first priority is to care for the employee. Move them to a safe area and arrange medical or other assistance if required.
  - 4.1.5. If the employee is intoxicated arrange transport to their home and do not attempt to investigate their state until they are no longer under the influence.
  - 4.1.6. Notify senior management of the incident as soon as the worker's safety is assured.
  - 4.1.7. Where a specific work agreement has resulted as a result of this policy ensure that agreement is implemented by all parties.
- 4.2. Occupational Health & Safety Officer
  - 4.2.1. The Occupational Health & Safety Officer will act as an adviser to the Manager in the implementation and application of this policy.
  - 4.2.2. The Occupational Health & Safety Officer will develop and maintain information and resources available to managers and employees who require referral to qualified assistance.
  - 4.2.3. The Occupational Health & Safety Officer will promote this policy.