



POLICY	
Fitness For Work – Unremunerated Appointees, Contractors and Labour Hire Staff	
Scope (Staff):	Persons providing work or services to North Metropolitan Health Service (NMHS) who are not remunerated via a contract of employment with the NMHS and labour hire staff.
Scope (Area):	All Areas of NMHS

Aim

The NMHS has a duty of care to ensure the safety of their employees and others in the workplace. This policy applies to situations where there is a concern that unremunerated appointees, contractors and labour hire staff may be unable to perform the inherent requirements of their work arrangement due to a health-related condition.

For employees, please refer to [Fitness for Work – Employees Policy](#)

Background

Unremunerated appointees, contractors and labour hire staff are required to be in a fit and proper condition when presenting to work and while at work, as per the [Department of Health \(DoH\) Mandatory Policy MP 0031/16 Code of Conduct](#).

Unremunerated appointees, contractors and labour hire staff must be physically and mentally able to perform the inherent requirements of their work arrangement. A fitness for work issue may arise when an unremunerated appointee, contractor or labour hire staff injures themselves outside of work or develops an illness, disease or health related condition that impacts on their ability to safely perform the requirements of their work arrangement. If unremunerated appointees, contractors and labour hire staff cannot safely perform the inherent requirements of their role, this can impact the safety of patients and employees and breach duty of care obligations.

It is important to identify, assess and manage fitness for work issues in a timely, caring and constructive manner.

Risk

Adherence to this policy will mitigate risk for the organisation and its accountable officers being exposed to the legislative and reputational impacts of not appropriately managing unremunerated appointees, contractors and labour hire staff who may be unable to safely perform their full duties in the workplace due to a health-related condition.

There are legislative obligations in relation to this policy and non-compliance may result in penalties being applied. The legislative breaches and subsequent penalties related to this policy are covered under the:

[Occupational Safety and Health Act 1984](#)

- Section 19 Duties of employers
- Section 20 Duties of employees
- Section 22 Duties of persons who have control of a workplace
- Section 23F Labour hire arrangements

[Occupational Safety and Health Regulations 1996](#)

- Part 3 – Workplace safety requirements in particular section 3.1.

Definitions

Contractors

This definition includes contractors, subcontractors, outworkers, apprentices/trainees and labour hire workers.

Unremunerated appointees

For the purpose of this policy, this definition includes but is not limited to volunteers, students, persons on work placement/work experience, persons on Unremunerated Clinical Agreements (UCAs).

Fitness for work

The ability to safely, competently and productively undertake the inherent requirements, of their work arrangement as required with NMHS.

Health related condition

May include the following:

- medical conditions or disabilities
- mental health conditions
- use of medication, alcohol, or prohibited substances with potential impact on work performance, safety and health
- fatigue
- injuries
- pregnancy and/or pregnancy related medical conditions that limit the unremunerated appointee's ability to perform the inherent requirements of their work arrangement.

Inherent Requirements

Refers to the unremunerated appointee's and contractors ability to perform essential tasks to the required standard, inclusive of complying with the [DoH Mandatory Policy MP 0031/16 Code of Conduct](#) and demonstrating appropriate skills required for the agreed work arrangement.

Principles

When a manager/supervisor of persons on UCAs, outworkers, apprentices/trainees and labour hire staff becomes aware that an unremunerated appointee has work restrictions or may be unable to safely perform the inherent requirements of their work arrangement

because of a health-related condition, current and relevant medical certification may be requested.

In the case of volunteers, students and persons on work placement/work experience, when a manager/supervisor becomes aware that they may have work restrictions or are unable to safely perform the inherent requirements of their role because of a health-related condition, this matter is to be escalated to the relevant volunteer/student/work placement/work experience coordinator as soon as practicable.

For contractors and subcontractors, this must be discussed with the site contact who engaged the contractor. The site contact must then determine, in consultation with manager/supervisor, as to the most appropriate action based on the situation.

In the absence of appropriate medical evidence, the unremunerated appointee/contractor may be excluded from the workplace by either the manager/supervisor/coordinator or site contact until they can comply with the requirement to provide relevant, appropriate and current medical evidence.

Storage and retention of relevant documentation is to be compliant with the [NMHS Record Keeping Plan](#).

This policy does not limit NMHS's right to terminate an unremunerated appointee's clinical agreement or contractor / labour hire staff's work arrangement on the basis of their medical circumstances and as a consequence of their inability to meet the inherent requirements of their agreement/work arrangement.

NOTE: Any unremunerated appointee or contractor who is unable to perform their duties may be excluded, by the Head of Department, Senior Supervisor or delegate, until their fitness for work can be established and confirmed. Please contact your [Human Resource \(HR\) Partner](#) for any queries.

Roles and Responsibilities

Managers/Supervisors/Coordinators

Managers/Supervisors/Coordinators are responsible for:

- assessing risk and addressing fitness for work issues within their work areas in accordance with this policy as soon as they become aware of such issues.
- addressing fitness for work issues in a confidential and supportive manner.
- consulting with the NMHS Occupational Safety and Health (OSH) Department, HR Partner or Industrial Relations (IR) for guidance and advice regarding this policy in relation to unremunerated appointees.
- taking immediate appropriate steps to minimise the risk to all persons for situations in which a manager/supervisor/coordinator has reason to believe an unremunerated appointee may pose an imminent safety risk to themselves or others. Control measures should be implemented utilising a risk management approach. This may include, but is not limited to, assisting the unremunerated appointee to obtain urgent

medical treatment, restricting their work duties, increasing supervision and/or removal from the workplace.

- considering options for safe transport home.
- ensuring all information relating to an unremunerated appointee's fitness for work is stored in a confidential manner and in a secure area as per the [NMHS Record Keeping Plan](#).

Unremunerated Appointees and Contractors

Unremunerated appointees and contractors are responsible for:

- presenting to work in a manner that ensures they are mentally and physically fit to perform the inherent requirements of their work arrangement. It is incumbent on the unremunerated appointee to ensure they are not under the influence of alcohol, or illicit drugs while at work (Refer [NMHS Alcohol Consumption Policy](#)). For unremunerated appointees and contractors on prescription drugs they must ensure it does not affect their ability to perform the inherent requirements of their job. Unremunerated appointees and contractors need to ensure they are well rested prior to attending work to reduce the risk of fatigue (Refer [NMHS Fatigue Prevention And Management Policy](#))
- disclosing any relevant information to their manager/supervisor/coordinator if their capacity to perform their duties may be impacted. This includes conditions that may require support or first aid in the workplace (e.g. epilepsy, diabetes). This should be done within a reasonable timeframe prior to their next rostered shift. Unremunerated appointees are required to provide medical certification from their treating physician if they are unable to undertake the full duties of their work agreement.
- associated costs of medical appointments including when a manager/supervisor/coordinator requires evidence from the unremunerated appointee's/contractor's treating doctor/physician to ascertain his/her fitness for work.

OSH / IR / HR Partners

OSH/IR/HR Partners are responsible for:

- providing advice to managers/supervisors/coordinators in relation to unremunerated appointees' and contractors' fitness for work issues.

Compliance and Evaluation

The NMHS Chief Executive and NMHS Site or Service Executive Director are responsible for compliance with this policy by ensuring that managers and supervisors are aware of the requirement to manage fitness for work issues in accordance with this policy and guidance notes.

Related internal policies, procedures and guidelines

[NMHS Alcohol Consumption Policy](#)

[Fitness for Work – Employees Policy](#)

[NMHS Fatigue Prevention And Management Policy](#)

[NMHS Record Keeping Plan](#)

[Department of Health \(DoH\) Mandatory Policy MP 0031/16 Code of Conduct](#)

[DoH Mandatory Policy MP 0040/16 Discipline Policy](#)

References

[Occupational Safety and Health Act 1984,– Section 19](#)

[Equal Opportunity Act 1984 – Section 66B](#)

[Disability Services Act 1993](#)

[Australian Human Rights Commission Act 1986 \(Commonwealth\)](#)

[Disability Discrimination Act 1992 \(Commonwealth\)](#)

[Human Rights Legislation Amendment Act \(No. 1\) 1999](#)


[Age Discrimination Act 2004 \(Commonwealth\)](#)

[Sex Discrimination Act 1984 \(Commonwealth\)](#)

[Guidance note: alcohol and other drugs at the workplace](#)

Fitness For Work - Unremunerated Appointees Policy

This document can be made available in alternative formats on request for a person with a disability.

Policy Sponsor	Executive Director Business and Performance				
Policy Contact	Director Occupational Safety and Health				
Date First Issued:	04/06/2022	Last Reviewed:	-	Review Date:	04/06/2022
Version No. (if applicable)	1.0				
Approved by:	Area Director Workforce	Date:	04/06/2019		
Endorsed by:	NMHS Executive Group	Date:	06/06/2019		
Standards Applicable:	NSQHS Standard1 Clinical Governance: 				
Printed or personally saved electronic copies of this document are considered uncontrolled					

The health impact upon Aboriginal people has been considered, and where relevant incorporated and appropriately addressed in the development of this health initiative (#IS23P0119).