

	Approval Date:
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Responsible Director:	Corporate Performance
Relevant Legislation	Equal Opportunity Act 1995 (Vic) Accident Compensation Act 1982 Privacy Act 1988 Disability Discrimination Act 1992 Occupational Health & Safety Act 2004 Health Records Act Information Privacy Act

1. PURPOSE

The City of Greater Bendigo (COGB) has the responsibility to ensure the health and safety of the public, visitors and its current and prospective employees. To ensure this responsibility is met in regards to prospective employees the pre-employment health assessment policy has been developed.

2. SCOPE

This policy applies to all prospective staff of the COGB and current staff who may be appointed to a position where the inherent duties of the new position are more physical in nature than their current position.

3. RESPONSIBILITY

The City of Greater Bendigo (COGB) employs approximately 800 staff in various job types including administrative, child care workers, home and community care workers, technical officers and outdoor staff at Bencon and Parks and Gardens.

The inherent duties of some job types are physical in nature and require staff to be physically capable of effectively and efficiently performing the duties of the position. Positions with inherent duties of a physical nature may pose a risk to people with pre existing health conditions and in such jobs there may also be greater exposure to risk.

To assist the CoGB in meeting this responsibility, certain health information is required from perspective staff as to their physical ability to perform the duties and inherent requirements of the position for which they have applied. This information will be obtained from the Health Declaration Form and also, as required from a registered medical practitioner following the completion of a health assessment.

4. POLICY

Prospective employees for positions where the inherent requirements of the position and duties are not physical are required to complete a Health Declaration Form. The CoGB reserves the right to require a prospective employee in this category to have a health assessment with a registered medical practitioner.

Prospective employees for positions where the inherent requirements of the position and duties are physical in nature, unless exempted by the CEO or a Director are required to attend a health assessment as part of the recruitment process. The purpose of the health assessment is to verify the prospective or current employee is physically capable to perform the inherent duties of the position for which they have applied and the work will not be detrimental to their health.

Positions that may require a health assessment to be conducted by a registered medical practitioner as nominated by each Directorate are listed on Attachment A.

All position descriptions are to include the following:

- the CoGB has responsibility to ensure the health and safety of the public, visitors and themselves and requires prospective applicants to provide certain health information as to their ability to perform the duties and inherent requirements of the position for which they have applied.
- positions where the inherent requirements of the position and duties are physical in nature, may require the recommended applicant to attend a health assessment with a registered medical practitioner.

4.1. Health Assessment (physical examination)

For positions requiring a health assessment, the recommended applicant is to be offered the position and advised employment with the CoGB is subject to the satisfactory completion of a health assessment.

The following is to apply when a health assessment is conducted:

- the assessment is confined to the duties and inherent requirements of the position. The assessment cannot be used to screen out applicants with injuries, disabilities, illnesses etc. that would not affect their ability to perform the inherent requirements of the position.
- the medical practitioner conducting the health assessment will be provided with a document detailing the duties and inherent requirements of the position to which the assessment is to be based.
- prospective employees must be able to carry out the duties of the position without endangering the health and safety of the public, other staff, visitors or the person concerned.
- the recommended applicant may not commence duty until the health assessment has been conducted and he or she has received confirmation from the CoGB stating they are physically capable to take up the position.
- the COGB covers the cost of the health assessment

4.2. Exemption

Managers may seek an exemption from the health assessment where the prospective employee is an agency employee, engaged by the CoGB and has demonstrated for a minimum of three months they are physically capable and have been able to perform the duties and inherent requirements of the advertised position. The recommended applicant must complete a health declaration form.

4.3. Health Declaration Form

Prospective employees for positions without inherent physical duties are not required to have a health assessment. All external applicants short listed and attending an interview are required to complete the Health Declaration Form which requires prospective employees to advise of one of the following:

- they are not aware of any health condition, pre-existing injury and/or disability which may interfere with their ability to perform the inherent job requirements and demands of the position.
- they have a health condition, pre-existing injury and/or disability which may require the COGB to provide them with services or facilities (adjustments) so they can successfully perform the inherent job requirements and demands of this position.
- they understand adjustments to the workplace can be made to assist employees with health conditions, pre-existing injuries and/or disabilities in performing the inherent job requirements and demands of this position.

The following is to apply in relation to a completed Health Declaration:

- the Declaration is confined to the duties and inherent requirements of the position. The Declaration cannot be used to screen out applicants with injuries, disabilities, illnesses etc. that would not affect their ability to perform the inherent requirements of the position.
- prospective employees must be able to carry out the duties of the position without endangering the health and safety of the public, other staff, visitors or the person concerned.

If a recommended applicant has provided details on the Health Declaration of a health condition, disability or pre-existing injury, the manager in conjunction with the recommended applicant and Risk Manager may need to arrange for services to be provided or adjustments to the workplace to assist in performing the duties and inherent requirements of the position.

4.4. Health Assessment Results & Health Declaration

Depending on the outcome of the health assessment or information provided on the health declaration, the selection panel and managers in consultation with Human Resources and the Risk Manager need to decide if the recommended applicant is physically capable to take up the position. The following is to be considered when making this decision:

- the need to consider the potential discrimination law consequences and ensure applicants are not discriminated against on the basis of disability or impairment.
- it is unlawful to discriminate on the basis of disability/impairment when deciding who should be offered employment.
 - o accordingly an applicant disclosing information about pre-existing injuries or diseases should not automatically be denied employment.
 - o rather it should be considered whether they are prevented from performing the inherent requirements of the job and whether any reasonable adjustments could be made.

- it is not unlawful for an employer to reject an application for employment from someone if they are unable to perform the inherent requirements of the job or would require assistance which would impose an unjustifiable hardship on the employer.
- consideration should be given whether any reasonable adjustments could be made which could assist an applicant to perform the inherent requirements of the job.
- whether or not an adjustment is reasonable depends on whether making it will cause unjustifiable hardship to the employer.
- factors such as the size of the employer's organisation, the cost of the adjustment and the benefit to the person are relevant in determining whether the adjustment will result in unjustifiable hardship.

4.5. Qualifying Period

All employees (except casual and short term temporary employees) upon commencement are currently subject to a six month qualifying period. The qualifying period should be seen as an extension of the selection process and the employee's performance should be actively monitored and discussed with them during this period. Managers should initiate discussion with employees whose performance may be hampered by their physical ability to carry out the duties and inherent requirement of the position and investigate whether adjustments can be made which may assist them. If the adjustment would cause unjustifiable hardship to the CoGB therefore resulting in the employee not being capable to perform the duties and inherent requirements of the position, it may be possible for their employment to be terminated.

4.6. Confidentiality & Privacy

The CoGB believes the responsible handling of personal and health information is a key aspect of democratic governance and is strongly committed to protecting an individuals right to privacy. The CoGB is committed to full compliance with its obligations under the *Information Privacy Act 2000* and the *Health Records Act 2001*. CoGB's staff must comply with the privacy principles contained in these Acts. The need to ensure confidentiality at all times is essential. All information obtained or disclosed through either the health assessment check or health declaration form is confidential and will be retained on the recommended applicants' personal file or destroyed at the conclusion of the recruitment process if the recommended applicant is not appointed.

5. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Council unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff consultative committee and with the approval of EMT or where required, resolution of Council.

HEALTH ASSESSMENT POLICY

Attachment A

Positions that may require a health assessment to be conducted by a registered medical practitioner, as nominated by each Directorate and determined in consultation with Directors.
(Positions listed below are indicative only)

Community Wellbeing:

Child Care Workers

Home & Community Care Workers

City Futures:

Gallery Technical Staff

Capital Theatre Technical Staff

Organisation Support:

N/A

Presentation & Assets:

Parks Employees (to be defined)

Works Employees – operational staff including Livestock Exchange Maintenance staff (to be defined)

Planning & Development:

Local Laws (to be defined)

School Crossing Supervisors

Executive Services:

N/A