

# Fitness for Work & Health Monitoring

## Summary

TDG operates in a physically demanding industry. Whilst TDG is committed to progressively lowering the physical demands as low as reasonably practical, it will remain a demanding industry.

This Risk Protocol defines how TDG will:

- Ensure personnel are fit for the inherent requirements of their role and
- Ensure their well-being is monitored throughout their work career
- Health monitoring will encompass legal obligations and focus on a risk and well-being approach.

Fitness for Work is influenced by a breadth of legal obligations, to balance this:

- TDG has a WHS General Duty to ensure the safety and well-being of personnel,
- TDG has an obligation under Disability Discrimination law to maximise the accommodation of persons with limitations

Disability discrimination occurs when a person is treated less favourably, or not given the same opportunities as others in a similar situation, because of their disability. It can also occur when an unreasonable rule or policy is the same for everyone but has an unfair effect on people with a particular disability.

Employers have a legal obligation to remove barriers that people with disabilities may face at work. Making these changes is known as 'reasonable adjustments'. A failure to make reasonable adjustments may be discrimination.

It is not unlawful to discriminate against an employee on the basis of disability if the person cannot perform the inherent requirements of a job after reasonable adjustments have been made.

Source: <https://humanrights.gov.au/quick-guide/12028>

- and [Fair Work Division 3 – Workplace Rights Clause 351](#) prohibits discrimination but excludes action due to the inherent requirement of a role

### 351 Discrimination

- 1) An employer must not take adverse action against a person who is an employee or prospective employee, of the employer because of the persons race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carers responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

NOTE: This subsection is a civil remedy provision

- 2) However, subsection (1) does not apply to action that is:
  - a. Not lawful under any anti-discrimination law in force in the place where the action is taken; or
  - b. Taken because of the inherent requirements of the particular position concerned.

TDG recognises the complexity of the client, business and employee requirements with respect to employees and subcontractors with respect to the following legislation;

- Fair Work Act 2009
- Fair Work Regulations 2009
- Employment Relations Act NZ
- Work Health & Safety Act

Recognising and balancing the contrary requirements of these obligations:

- Job Roles will only be defined by the inherent requirements of the generic role, specifically:
  - abilities which are fundamental and essential to the long-term safe engagement across the full spectrum of duties required of the generic role,
  - where adjustment would be unreasonable in terms of cost and operational flexibility,
  - or to the safety and well-being of co-workers
  - See Fair Work Guidance on assessing Inherent Requirements  
<https://www.fwc.gov.au/unfair-dismissals-benchbook/what-makes-dismissal-unfair>
- Decisions will be informed by medical advice after consideration and examination.
- Safety and well-being will be prioritised foremost with a risk management approach informed by medical advice,
- When judging the requirements and recognising uncertainty in decision making, a 'precautionary principle' will apply, and decisions will be made with safety first.

The precautionary principle is a risk management strategy that advises taking preventive action in the face of uncertainty, particularly regarding potential harm to health or safety. In the context of safety and employee decision-making, this principle emphasizes the following key points:

**Preventive Action:** Decisions should be made to avoid harm when there is a potential risk, even if the evidence is not conclusive. This means prioritizing safety and health in workplace practices.

**Uncertainty and Risk:** When faced with activities or substances that could pose risks to employee safety, the absence of complete scientific certainty should not be a reason to delay implementing safety measures.

**Informed Decision-Making:** Employees are encouraged to be informed about the risks associated with their ongoing work and to consider safety implications in their decision-making processes.

**Proportionality:** The measures taken should be proportionate to the potential risks. This means that the more severe the potential harm, the more cautious the approach should be.

**Continuous Assessment:** Regular evaluation and monitoring of safety practices and conditions are essential, allowing for adjustments as new information becomes available.

**Stakeholder Involvement:** Engaging employees and other stakeholders in decision-making processes can enhance safety outcomes and promote a culture of precaution.

## Position Descriptions

To ensure that both the employee and TDG are clear on job requirements, the following will apply;

- Job Descriptions will be available on SharePoint to ensure the following is clear;
- Competencies, skills & experience (including certifications and licensing).
- abilities which are fundamental and essential to the long-term safe engagement across the full spectrum of duties required of the generic role,
- where adjustment would be unreasonable in terms of cost and operational flexibility,
- or to the safety and well-being of co-workers
- See Fair Work Guidance on assessing Inherent Requirements <https://www.fwc.gov.au/unfair-dismissals-benchbook/what-makes-dismissal-unfair>
- The Head of People & Capability is responsible for accurate and up-to-date job descriptions.

## Inherent Physical Requirements

The Head of HSEQ is responsible for ensuring the inherent physical requirements for roles are reviewed and defined by an appropriate Occupational Physician or other appropriate medical specialist.

Job Dictionaries profiles will be:

- Based on a broad category of general occupational roles,
- Will not be tailored into specific individuals and their current day-to-day duties, as across time, duties change, and across TDG individuals will be required to change and move roles over time and place.
- In minimal risk office roles, a higher tolerance of risk is assumed to allow a broad range of physical capacities
- In field roles, a low tolerance of risk is assumed due to the high capacity for injury
- Profiles will be reviewed periodically at the Head of HSEQ's direction
- Be maintained on TDG Hub.

The Job Dictionaries will be used by TDG's preferred Medical Providers as the basis for recruiting decisions and for reviewing fitness for the inherent requirements of a role.

## Medical Testing

Based on the Inherent Requirements of roles, risk exposure, and compliance obligations to customers and the law, the Head of HSEQ is responsible for advising on the minimum medical testing requirements for each role. These requirements will be documented in a Health Testing and Monitoring Schedule Annex A.

## Recruiting

P&C are responsible for managing the recruiting process. For roles with medical testing requirements, if examination is required:

- Green Light (No Flags or Risks), no further review required
- Amber (Assessed as Potentially Fit for Inherent Requirements with Risk):

- P&C will flag the candidate to the Head of HSEQ.
- The Head of HSEQ will review the medical report and issues. Where appropriate, further testing/examination will be considered.
- Following a review of the medical evidence by the Head of HSEQ, the Head of HSEQ will discuss the risks with the relevant Hiring Manager. Based on the probable balance of risk and capacity to make reasonable adjustments, the Head of HSEQ will make a recommendation to the Hiring Manager on proceeding with engagement.
- The Hiring Manager, in consultation with the GM, will advise P&C of their decision on proceeding or not proceeding with a role.
- Red (Not Fit for Inherent Requirements unless extenuating or unusual circumstances mitigate; otherwise, the candidate will not be hired as it would place them at risk to proceed.
- A candidate for a role who is not usually required to complete Pre-Employment for their role may be requested to complete a medical on a for-cause basis by exception at the discretion of TDG.

## For Cause Review

Occasionally, individuals may require a post-recruitment review of their current physical capacity to determine if they still meet the inherent requirements for the role. Where this occurs, the following is to occur:

- **Triggering event.** Many issues may arise when management questions the current physical ability to meet the inherent requirements of a role (observed performance, extended (45 days+) personal illness, post-injury recovery, etc.). Where this occurs, the Manager is to report concerns to HSEQ and P&C.
- **Exit Medical.** GMs, Head of HSEQ, or P&C ANZ manager may also request an exit medical on a for-cause basis, such as, but not limited to, current or recent workers' compensation claims or injuries, restricted duties, etc.
- **Initial Assessment.** Once concerns are raised, the manager will investigate and provide HSEQ and P&C with the facts and observations. As appropriate for the situation, consultation with workers should be ensured to investigate the problem.
- **Medical Assessment.** If a reasonable concern or doubt exists, workers are to undergo a medical examination by TDG's medical providers to assess the inherent requirements of their current substantive role. Medical opinions and reports by the Worker's nominated medical providers may also be considered, but they are not definitive or declarative.
- **Depot Accommodation.** The Operations Manager is responsible for reviewing and advising on the depot's ability to make reasonable adjustments.
- **HSEQ Risk Review.** HSEQ is to provide a risk-based recommendation on the capacity to meet the inherent requirements
- **Fair Work Review.** P&C is to provide a risk-based recommendation on the merits of each action and the mitigation strategy required
- **GM Decision.** The General Manager is responsible for reviewing the case and determining the final course of action required.
- **Implementation.** After that, support services are responsible for supporting the business unit in executing the strategy and mitigating impacts.

## PERIODIC REVIEW

Whilst personnel are assessed for the capacity to fulfil the inherent requirements of their role at the initial employment stage, there is a requirement at law and under TDG's general duty to revisit the medical testing requirements periodically.

The Head of HSEQ is to formalise these periodic reviews in the Health Testing and Monitoring Schedule.

## Adaptation and Retention Bias

TDG recognises that, over time, individuals will gain experience and knowledge, which are key human and intellectual assets we wish to retain. To a degree, this accrued value will offset physical capacity and generally may decline over time.

Therefore, as individuals proceed through periodic reviews, the following principles are to be applied as guidelines in decision-making, guided by the Precautionary Principle:

- Prevention – TDG will take reasonable steps to provide early health screening and assistance to support individuals to prevent conditions from developing or worsening so the individual maximises the longevity of their safe fitness for work
- Rehabilitation – TDG will take reasonable steps in consultation with the individual to assist rehabilitation and therapy, which mitigates conditions that reduce safe fitness for work
- Adaptation – TDG will take reasonable steps in consultation with the individual to make reasonable job role adjustments and changes which adapt or accommodate their safe fitness for work within a suitable, sustainable modified role
- Retention – Commensurate with safety and the precautionary principle, TDG will retain people in roles where it is safe, practical and reasonable to do so

## HEALTH MONITORING

TDG is obligated to monitor the health and well-being of personnel whose roles place them at risk from various hazards.

(<https://www.safeworkaustralia.gov.au/book/requirements-and-dealing-risk>)

The Head of HSEQ assesses and maintains a register of these requirements, which will be added to the Job Dictionaries for the role. Head of HSEQ to ensure that any updates are communicated to P&C so that the Position Description can be updated.

## Medical Records

All medical records will be treated as Medical-In-Confidence.

Pre-employment, Monitoring, and for-cause records will be held within UKG by P&C.

HSEQ will maintain injury and workers' compensation records within Solv.

P&C is responsible for maintaining the currency of health monitoring and ensuring operations are provided with timely warning of expiring requirements and lapsed monitoring.

Managers are to be provided with ad hoc reports on request.

## Controlled Document

Only the electronic file retained in the TDG Intranet at <https://totaldraincleaning.sharepoint.com/sites/tdg-ims/IMSMasterDocuments> is controlled; all other distributions are Uncontrolled. Validation of the controlled version must be done via SharePoint-controlled metadata. The following information is provided to assist users in locating and referencing the controlled document.

Issue Date	13/03/2025
Type	Protocol
Owner	HSEQ

# Health Testing & Monitoring Schedule Annex A

## Defined Roles

TDG roles are defined in the following categories for physical requirements and health monitoring:

- Office Workers – All staff employed or engaged primarily in the office.
- Operations Field Staff – Any operations leader with continuous exposure to work in the field where they are supervising, monitoring, and guiding operations but not physically required to conduct work.
- Operators & Mechanics – All operators and workshop technicians, regardless of actual title, engaged in delivering services on behalf of customers or in servicing TDG vehicles
- Rehabilitation Duties – Not an employment role; this is a temporary function defined to allow personnel to conduct rehabilitation for a limited period (<three months) whilst they return to their full-time role.

## Pre-Employment Testing Requirements

	Medical	Drug & Alcohol	Audiometry	Vaccination
Office Workers	By Exception	No	No	No
Ops Field Staff	JobFit Medical	Yes	Yes	No
Operators	Commercial Driver	Yes	Yes	See below
Mechanics	JobFit FCE	Yes	Yes	No
Optional At GM Direction				
Cat 3 Rail	Recognise in lieu of Commercial Driver			
Confined Space				

## Vaccination

The TDG vaccination program is based on the advice of the Department of Health and Aged Care Immunisation Program [National Immunisation Program Schedule](#) and customer requirements.

Thereafter, unless there is a clear impetus to vaccinate, then TDG will not advocate or require vaccination, leaving it as an individual choice. See [Vaccines](#).

Individuals may opt out of the vaccination program, but will be required to complete a waiver form noting their decision not to be vaccinated. This will be held on their UKG profile:

Disease	Position	Exception
Workers on sewer networks: <ul style="list-style-type: none"> <li>• TDAP Booster</li> <li>• IPV Booster</li> <li>• MMR Booster</li> <li>• Twinrix</li> <li>• Tetanus</li> </ul>	Operators may opt-out with <ul style="list-style-type: none"> <li>• TDAP = Tetanus, Diptheria, Pertussis</li> <li>• IPV = Inactivated poliovirus</li> <li>• MMR = Measles, Mumps &amp; Rubella</li> <li>• Twinrix – Hep A &amp; B pre and post-serology test recommended (Three doses over six months)<a href="#">Hepatitis A</a>, <a href="#">Hepatitis B</a></li> </ul>	GM include depots or individuals on the basis that they are not expected to conduct work on sewer networks
<a href="#">Tetanus</a>	Booster subject to medical advice following injury	Customer mandate
<a href="#">Influenza</a>	No position, individual election	Recommended to those 65+

## Health Monitoring & Periodic Re-assessment

Monitoring	Roles	Frequency
Hearing	Operator and Mechanic	2yearly
Confined Space Entry	Operators and Field Staff with an active recurring Confined Space Entry requirement from Customer	5yearly
Rail Worker Medical	Valid to 40 thereafter every five years	5 Yearly
Commercial Driver	See Aust Roads <a href="#">Assessing Fitness to Drive</a>	Varies
Periodic Review	To ensure personnel remain fit for work the following periodic testing requirements apply:	
50	Confidential personnel test recommended at TDG cost as part of well-being program	
55, 60, 65	Re-new the pre-employment test relevant to role	5yearly
65+	Re-new the pre-employment test relevant to role	Yearly