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|  <p>BAY OF PLENTY DISTRICT HEALTH BOARD HAUORA A TOI</p> <p>IMPAIRMENT PROTOCOL</p> | <p>IMPAIRMENT - STANDARDS AND PRINCIPLES</p> | <p>Policy 5.4.5 Protocol 1</p> |
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STANDARD

Under the Health and Safety at Work Act 2015, individual employees, have a responsibility to ensure that their action or inaction does not harm, or place at risk of harm, other persons in the workplace.

IMPAIRMENT

1. Impairment refers to:
 - a) The reduced ability of a person to undertake some or all of their duties at work at any time.
 - b) An observable loss of function, unsatisfactory performance, or an adverse change in behaviour that may result from physical, mental, social, or other factors.
2. For the purposes of this document, impairment will include, but not be restricted to, the definition in the International Classification of Impairments, Disabilities and Handicaps (WHO 1980) being; ‘a disorder, disease, or injury that produces an impairment (change in normal structure or function)’.

STANDARDS TO BE MET

1. Principles

- 1.1 Employees must comply with the Bay of Plenty District Health Board (BOPDHB) Shared Expectations (Code of Conduct) and expected work performance, within their employment agreement and, where applicable, with the standards associated with their professional clinical practice. Recognition of, and adherence to, the duty of care for their patients is paramount.
- 1.2 Breaches of this policy may result in disciplinary action, in accordance with the employee’s employment agreement, the BOPDHB Shared Expectations, Investigations and Disciplinary Actions protocols.
- 1.3 Work colleagues who believe a workmate may be impaired in some way are required to report the impairment either to the employee’s manager or to the Manager, Employee Health and Safety.
- 1.4 Training will be available to help managers and team leaders recognise and manage their responsibilities under this policy.
- 1.5 Individuals identified as being impaired will be managed with consideration of the causes of impairment and their privacy will be protected as far as possible without compromising safety. Impairment is a subjective assessment taking into account all circumstances.
- 1.6 Information is provided to all employees on assistance available to them through the Employee Health and Safety department and the Employee Assistance Programme (EAP).
- 1.7 An employee may involve support people of their choice (e.g. partner, kuia / kaumatua) through any, or all, stages of the impairment management process (e.g. during assessment, referral, return to work, etc). When requested by the employee BOPDHB will actively incorporate support people into these processes wherever practicable.
- 1.8 S.45(2) of the Health Practitioners Competence Assurance Act 2003 provides: “If a person to whom this section applies [health practitioners] has reason to believe that a health practitioner is unable to perform the functions required for the practice of his or

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| <p>Protocol Steward: Manager, Employee Health & Safety</p> | <p>Authorised by: GM Governance & Quality</p> | |

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| IMPAIRMENT PROTOCOL | | |

her profession because of some mental or physical condition, the person must promptly give the Registrar of the responsible authority written notice of all the circumstances.'

2. Privacy

- 2.1 Where an unwell employee receives treatment from any BOPDHB service, their privacy must be protected as for any other patient / client whilst still adhering to the obligations under the HPCA Act. In particular, note that s45(2) of the HPCA Act does require disclosure to the health professionals registration body.
- 2.2 Employee Health and Safety department medical records will be kept separately within the Employee Health and Safety department and the content of these records will be confidential to Employee Health and Safety.
- 2.3 Employee Health and Safety staff may disclose relevant (i.e. work related) information from an employee's file to the supervisor of the employee, or a manager, in consultation with the employee.
- 2.4 A breach of confidentiality under this policy will be regarded as a breach of the "Shared Expectations" and disciplinary action will result.
- 2.5 Where a conflict arises involving staff member privacy versus the (likely) safety of patients / clients, safety is paramount. In all such circumstances advice should be sought from GM Governance and Quality.

REFERENCES

- [Health and Safety at Work Act 2015](#) and [Regulations 2016](#)
- Health Practitioners Competence Assurance Act 2003

ASSOCIATED DOCUMENTS

- Bay of Plenty District Health Board policy 5.4.5 Impairment – Management of Impaired Employee
- Bay of Plenty District Health Board policy 5.4.5 protocol 2 Impairment – Possible Causes of
- Bay of Plenty District Health Board policy 5.4.5 protocol 3 Impairment – Identification and Management of Employee Impairment
- Bay of Plenty District Health Board policy 5.4.5 protocol 4 Impairment – Drug & Alcohol Misuse in the Workplace
- Bay of Plenty District Health Board policy 2.1.4 Incident Management
- Bay of Plenty District Health Board policy 3.50.02 protocol 7 Supporting Staff
- Bay of Plenty District Health Board policy 3.50.02 protocol 9 Investigation Process
- Bay of Plenty District Health Board policy 3.50.02 protocol 15 Disciplinary Process
- Bay of Plenty District Health Board policy 3.50.05 Protected Disclosures
- Bay of Plenty District Health Board policy 3.50.00 protocol 1 Shared Expectations (Code of Conduct)
- Bay of Plenty District Health Board policy 5.3.10 Stress and Fatigue – Management in the Workplace
- Bay of Plenty District Health Board policy 5.4.7 Threatening Behaviour, Bullying, Harassment & Violence in the Workplace – Management of
- Bay of Plenty District Health Board Form FM.A16.1 Alcohol and Drug Testing Record

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