

# SESLHD PROCEDURE COVER SHEET



**Health**  
South Eastern Sydney  
Local Health District

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<b>FUNCTIONAL GROUP(S)</b>	Employment Screening and Workforce Operations
<b>KEY TERMS</b>	Pre Employment Health Assessment; Health Declaration; Inherent Job Requirements; Fitness to Carry out Duties; Equal Employment Opportunity; Disability Discrimination; Adjustment; Unjustifiable Hardship
<b>SUMMARY</b>	This document outlines the procedure for the NSW Health Model Health Declaration Form for assessing applicants for suitability when filling vacant positions within SESLHD. The procedure advises the pre-employment health screening checks and assessment to allow the organisation to consider an applicant's health circumstances in the context of the position for which they have applied, are free from discrimination and bias, and consistent in the appointment of the most suitable applicants for the position.

## **COMPLIANCE WITH THIS DOCUMENT IS MANDATORY**

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**1. POLICY STATEMENT**

NSW Health has established minimum standards and clear accountabilities in the area of pre-employment health screening assessments. As a minimum the NSW Department of Premier and Cabinet has stipulated that existing and prospective employees must have the capacity to fulfil the inherent job requirements and job demands of Health Service positions to which they are appointed.

South Eastern Sydney Local Health District (SESLHD) is committed to providing a safe workplace environment for all employees, including ensuring that newly-recruited employees are not inadvertently placed in positions or work environments that could exacerbate a disclosed pre-existing medical condition, previous injury or current restriction.

The aim of this procedure is to provide SESLHD with an operating framework to establish, review and implement a system for health assessments at the time of recruitment, transfer or promotion.

Health assessments are only one component of a risk management system under SESLHD's duty of care and are not a substitute for adequate risk control within the workplace.

**2. BACKGROUND**

The purpose of the Pre-Employment Health Screening procedure is to ensure that a person who has been selected on merit to a position may only be appointed to or employed within SESLHD when the person's fitness to carry out the inherent job requirements and job demands of a position have been appropriately confirmed.

This procedure assists the organisation to ensure that potential employees, and including current employees who are looking to transfer to a new position, are given the opportunity to fully disclose the nature and extent of any pre-existing medical condition that may affect their capacity to perform the inherent requirements to the position being applied for.

In turn, SESLHD is committed to implementing a system of effective and fair health assessments related directly to tasks performed in the position, taking into account the hazards to which employees may be exposed, and not unlawfully discriminating against people with disabilities.

**3. DEFINITIONS**

Refer to Appendix C

**4. RESPONSIBILITIES**

To enable the organisation to consider appropriate and reasonable actions to ensure the workplace safety of an applicant appointed to a position:

**4.1 Interviewees:**

All applicants who are selected for interview, both internal and external, will complete the SESLHD Pre-Employment Health Declaration Form at the time of interview.

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### 4.2 Selection Committees will:

- Communicate the job demands and job requirements to interviewees and
- Ensure the SESLHD Pre-Employment Health Declaration form and Job Demands Checklist documentation is distributed prior to or at the time of interview.
- Ensure that all their selection decisions are made on merit alone.

### 4.3 Conveners will:

- Ensure that the inherent job requirements are clearly articulated within the position description, and that the Job Demands Checklist is complete and up-to-date.
- Ensure that each candidate attending an interview has read and understood the position description.
- Ensure each interviewee completes the SESLHD Pre-Employment Health Declaration form.
- Ensure the information contained in the interviewees' Health Declaration form is not used in determining the most meritorious applicant.

### 4.4 District Managers/Service Managers will:

- Ensure that, where applicable a job evaluation inclusive of the Job Demands Checklist is carried out for all positions under their authority. Specifically, at times of recruitment, position descriptions must be accurate and contain information on the job demands and job requirements of the position.
- Support the concept of reasonable adjustment and its application to the workplace.
- Support the process of risk assessment and education of all staff at induction and at other points as deemed appropriate.

### 4.5 Health Safety & Wellbeing will:

- Assess the responses on the SESLHD Pre-Employment Health Declaration Forms sent to them against the position description to determine the need for further medical information and/or a Functional Capacity Assessment.
- Conduct a risk assessment in consultation with the convenor to evaluate the requirements for reasonable adjustment.

## 5. PROCEDURE

See Appendix A – Flowchart

### 5.1 Recruitment processes

Conveners and selection panels are required to follow the recruitment procedures outlined in [NSW Health Policy Directive PD2017\\_04 - Recruitment and Selection of Staff to the NSW Health Service](#) and the Health NSW Recruitment and On Boarding System (ROB)

### 5.2 At Interview

All applicants called for interview must complete the SESLHD Pre-Employment Health Declaration form (Appendix 2) when attending for the interview, either prior to or just after

the interview as convenient. This requirement applies to both new potential employees, and existing employees applying for a transfer within SESLHD.

During the interview, the convener is to provide to the interviewee a summary of the critical (or essential) physical and psychological requirements of the role, and discuss with each applicant the process which will follow if they are the preferred applicant.

The selection committee then determines the preferred applicant on merit. The information contained in the completed SESLHD Pre-Employment Health Declaration form must not be considered by the selection panel in determining the most suitable applicant.

### **5.3 Receipt of the Health Declaration Form**

Once the most suitable applicant is determined, the convener is to assess the applicant's Pre-Employment Health Declaration form for any YES responses which indicate possible further assessment of the applicant's functional capacity to perform the role.

If the preferred applicant does not provide sufficient detail of their health status on the form (incomplete responses), the convener is to forward the SESLHD Pre-Employment Health Declaration form to the applicant for completion.

Where the preferred applicant discloses a pre-existing medical condition, previous injury or current restriction the convener is to forward the SESLHD Pre-Employment Health Declaration form and the full job description to the Health Safety and Wellbeing Team – People and Culture Directorate, to review the impact of the medical condition in relation to the inherent task requirements and job demands of the position.

Contact details: Email: [SESLHD-HSW@health.nsw.gov.au](mailto:SESLHD-HSW@health.nsw.gov.au)

If the declaration does not indicate a need for assessment, the convener is to continue with the recruitment process.

### **5.4 Assessment of the Pre-Employment Health Declaration**

The assigned Health Safety and Wellbeing (HSW) representative will determine whether further health assessment is necessary before the recruitment processes can proceed within three (3) working days of receipt of a submission.

The HSW representative will either:

- Request the applicant to obtain a clearance from the nominated treating doctor to undergo the assessment.
- Recommend review by an independent doctor, providing costing information to the convener
- Recommend a functional capability assessment providing costing information to the convener for booking
  - The convener will make the referral including:
    - Recruiting department's contact person and cost centre for invoicing

- The applicant's Health Declaration Form
- The full job description and job demands checklist for the position
- Any area of concern noted

### **5.5 Functional Capability Assessment**

The functional capability assessment is conducted by a qualified provider relevant to the health status of the applicant (for example, a physiotherapist, exercise physiologist, psychologist or psychiatrist). The assessment is to be conducted at a venue within reasonable proximity of the referring SESLHD facility, and an appointment offered to the applicant within a week of referral.

The assessment will be conducted using a standard risk management approach, considering the inherent requirements of the position, the job demands checklist and the disclosed medical condition, previous injury or current restriction.

The recruiting department will bear the cost of the functional capability assessment. Arrangements may be required to be made with the relevant Facility or Service budget holder to provide funding to the department for the assessment.

The assessor will provide a report to the recruitment convenor with findings and recommendations.

### **5.6 Decision Process**

The HSW representative receives the report from the nominated assessor, and reviews the findings and recommendations in relation to the inherent task requirements and job demands of the position.

The HSW representative advises whether to appoint, or consider reasonable adjustment/conditions, or not appoint.

1. If the assessment determines a low risk of injury, re-injury or exacerbation of a pre-existing medical condition to the preferred applicant, then the HSW representative advises the convener to continue with the recruitment process.
2. If the assessment determines a medium risk of injury, re-injury or exacerbation of a pre-existing injury to the preferred applicant then reasonable adjustment must be considered. The HSW representative contacts the Convener, the Manager Health and Safety, and Human Resources representative (as required) and the preferred applicant for participation in the consultation (see Sections 5.7 and 5.8).
3. Should the assessment clearly demonstrate the applicant does not have the functional capability to meet the inherent requirements of the position, the HSW representative will discuss with the convener the recommendation of not to appoint. Formal written advice will be sent to the applicant and their nominated treating doctor of the agreed decision.

The assessment paperwork and copy of the decision is to be forwarded to the Workforce Services Recruitment team by the convener and kept with the relevant recruitment file.

### **5.7 Reasonable adjustment**

The convener, the Manager Health and Safety, and Human Resources representative (as required) will meet to review whether the pre-existing medical condition, injury or current restriction can be reasonably accommodated. Adjustments are provided in consultation between the employer and the individual, leading to a mutually acceptable arrangement for employment.

Any adjustments made must not adversely impact on the health and safety of others in the workplace. Considerations for reasonable adjustment include:

- purchasing equipment to assist the employee to perform their duties
- providing services or facilities to assist the employee to undertake their duties, for example by re-arranging workplace access
- redesigning the position - undertaken in consultation with an appropriately qualified occupational health practitioner.

If the consideration of adjustment leads the assessment team to the decision that it is not reasonable to provide the required services or facilities, the “unjustifiable hardship” test must be applied. All the relevant circumstances must be taken into account when determining whether the provision of services and facilities would cause unjustifiable hardship to the employer, including:

- The nature of the benefit or detriment likely to accrue or be suffered by any persons concerned.
- The effect of the disability of a person concerned.
- The existence of an action plan provided through the [Disability Discrimination Act 1992](#)
- The financial circumstances and estimated amount of expenditure required to be made by the person claiming unjustifiable hardship.

(Reference: [Anti Discrimination Act NSW 1977 Section 49C](#))

No single factor alone is likely to constitute unjustifiable hardship.

Note – The Anti Discrimination Act NSW 1977 states that: The unjustifiable hardship defence may only apply in relation to a job applicant or dismissed employee. It does not apply to an existing employee.

### **5.8 Appointment of the applicant under reasonable adjustment**

Where the pre-existing physical or mental condition can be reasonably accommodated with a low or no foreseeable exacerbation of the existing condition, then the department will put in place an action plan for a probationary period of three months with support from the HSW representative and Human Resources representative (as required).

If after the probationary period expires there are concerns about the ability of the staff member to meet the inherent demands of the position then in consultation with a Return

to Work Coordinator and Human Resources representative (as required) the employee will be managed in line with the procedure [SESLHDPR/564 - Non-Work Related Injury or Illness Management](#).

### **5.9 Non-disclosure at the time of recruitment**

If an employee at the time of pre-employment did not disclose a pre-existing injury, disability or illness and then discloses during employment, management will need to consult with Human Resources and/or Employee Relations representative, with the employee being managed in line with the Disciplinary Process in [NSW Health Policy Directive PD2018\\_031 - Managing Misconduct](#) for a false declaration and potential breach of the NSW Health Code of Conduct. In some cases this could lead to disciplinary action, including termination or the withdrawal of the offer of employment.

Cases must be managed on a case by case basis, taking into account two factors:

- a. The extent to which the pre-existing injury affects the employee performing the inherent requirement of the position and job demands checklist;
- b. The nature and extent to which the disclosure was not made known and level of foreseeability that should have made the disclosure apparent.

## **6. DOCUMENTATION**

Position Description

Job Demands Checklist

[Selection Committee Report](#)

[SESLHD Pre-Employment Health Declaration Form](#)

Medical Advice from the nominated treating doctor

Functional Capacity Report

Assessment Letter – inability to appoint

## **7. AUDIT**

This procedure is audited as part of the WHS audit program.

## **8. REFERENCES**

[Anti Discrimination Act NSW 1977 Section 49C](#)

[NSW Health Code of Conduct PD 2015\\_049](#)

[NSW Health Policy Directive PD2018\\_031 – Managing Misconduct](#)

[NSW Health Policy Directive PD2016\\_040 – Managing for Performance](#)

[Disability Discrimination Act 1992](#)

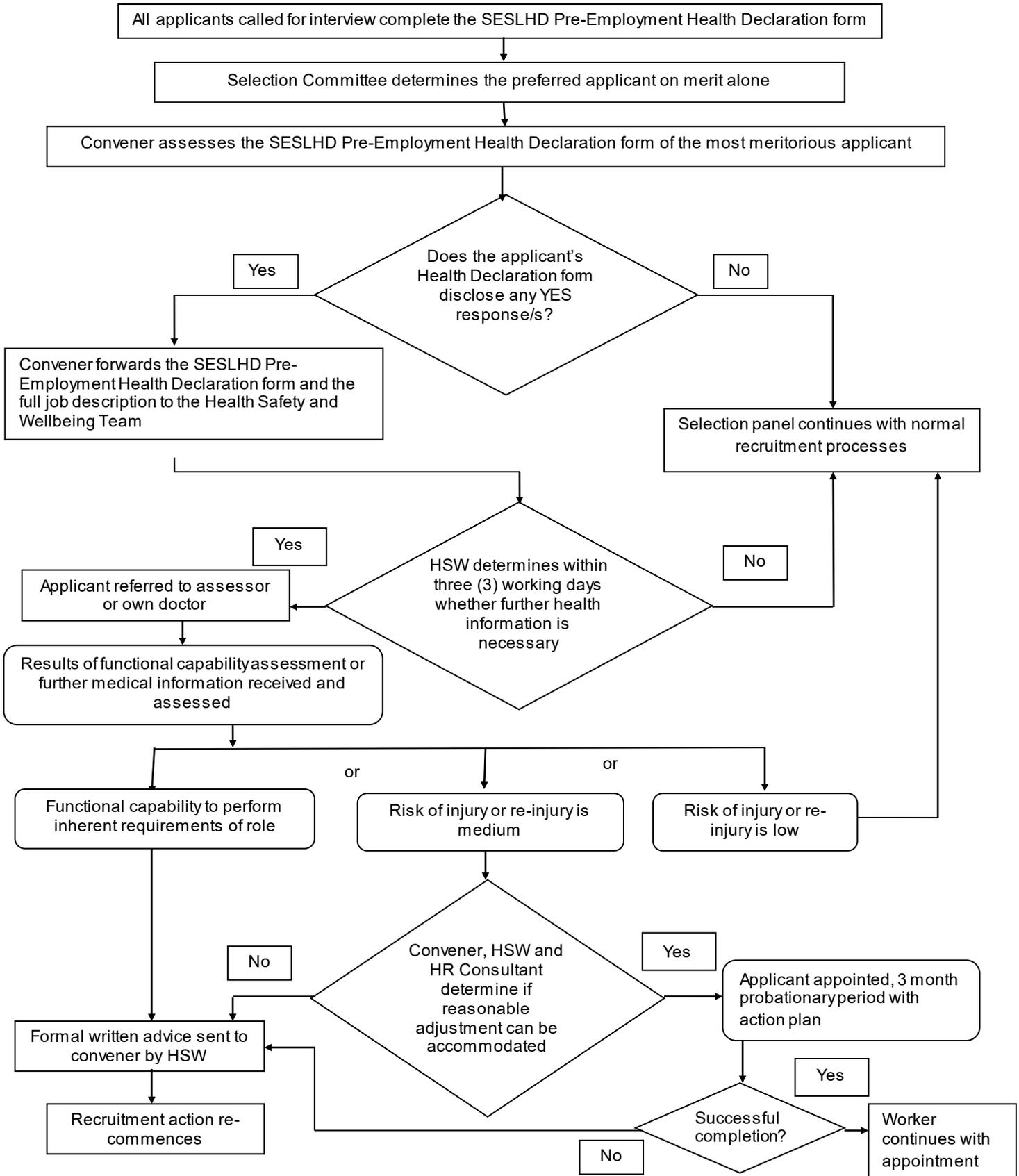
[NSW Health Policy Directive PD2017\\_040 - Recruitment and Selection of Staff to the NSW Health Service](#)

[SESLHDPR/415 - Performance and Talent](#)

**9. REVISION AND APPROVAL HISTORY**

Date	Revision No.	Author and Approval
October 2014	0	Peggy Pollock, Manager, Health Safety and Wellbeing
January 2015	1	Peggy Pollock, Manager, Health Safety and Wellbeing
February 2015	2	Approved by Executive Sponsor
March 2015	2	Approved by DET (T15/10345)
May 2015	3	Minor amendment to Appendix 2. Endorsed by Executive Sponsor
March 2017	3	Minor amendment to Section 5.3, Appendix 2 and SESLHD District Form F286. Endorsed by Executive Sponsor.
August 2021	4	Minor review to reflect the current processes, documents and links.
January 2022	4	Approved by Executive Sponsor.

**APPENDIX A - Flowchart – Health Screening Procedure**





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### [APPENDIX B – SESLHD Pre-Employment Health Declaration Form](#)

**APPENDIX C – Key Definitions**

Key Term	Definition
<b>Health assessment</b>	Means interpretation of a person’s health/fitness status using a variety of methodologies ranging from an administrative decision based on a health declaration, through several types of focused questionnaires and screening tests administered by various health professionals, to a comprehensive medical/physical examination.
<b>Health Declaration Form</b>	Means a form designed to ensure applicants disclose existing conditions which may affect their ability to perform the inherent job requirements. Using a health declaration form satisfies the minimum requirement of pre-employment health screening as dictated by the NSW Department of Premier and Cabinet.
<b>Inherent job requirements</b>	<p>Means the requirements that are fundamental, intrinsic or essential to the specific position. These requirements must be determined objectively and cannot depend on the attitude or operational methods of the employer. The term “inherent job requirements” carry with them associated job demands. Inherent requirements may include:</p> <ul style="list-style-type: none"> <li>• the ability to perform the functions that are a necessary part of the job;</li> <li>• productivity and quality requirements;</li> <li>• the ability to work effectively in the team or other type of work organisation concerned; and</li> <li>• the ability to work safely.</li> </ul>
<b>Job demands</b>	Means an integral part of the inherent job requirements but can refer specifically to the essential job characteristics which require physical, sensory, cognitive and psychological capacities and also any physical, biological and chemical hazards or accident risks which may be associated with a given position.
<b>Job Demands Checklist</b>	Means a tool to assist line managers assess or determine the inherent physical, psychological, sensory, cognitive and psychosocial demands within the position and also identify the environmental hazards and frequency of exposure.
<b>Reasonable adjustment</b>	<p>All reasonable efforts must be made to accommodate a pre-existing medical condition in line with the Anti-Discrimination Act 1977 (NSW), such as:</p> <ul style="list-style-type: none"> <li>• purchasing equipment to assist the employee to perform their duties</li> <li>• providing services or facilities to assist the employee to undertake their duties, for example by re-arranging workplace access</li> <li>• redesigning the position - undertaken in consultation with an appropriately qualified occupational health practitioner</li> </ul> <p>Adjustments are provided in consultation between the employer and the individual, leading to a mutually acceptable arrangement for employment. Any adjustments made must not adversely impact on the health and safety of others in the workplace.</p>