

TOBACCO, DRUG AND ALCOHOL-FREE POLICY

Our Service is committed to creating and maintaining an environment that promotes the safety of all children, staff and visitors. We believe in maintaining a healthy, safe and productive workplace environment that reduces risks and hazards associated with the use of drugs and alcohol for all staff, children and visitors.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2:		
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.2	Professional Standards	Professional standards guide practice, interactions and relationships.

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
82	Tobacco, drug and alcohol-free environment
83	Staff members and family day care educators not to be affected by alcohol or drugs
84	Awareness of child protection law
155	Interactions with children
168	Education and care services must have policies and procedures

190	Infringement offences
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RELATED POLICIES

Child Protection Policy Child Safe Environment Policy Dealing with Complaints Policy (staff)	Interactions with Children, Family and Staff Policy Privacy and Confidentiality Policy Work Health and Safety Policy
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PURPOSE

We aim to ensure our education and care service is a tobacco, drug and alcohol-free environment at all times in accordance with Education and Care National Law and Regulations. The use of alcohol and/or other drugs may impact on the ability to work safely and ensure the safety of children in their care. Impaired workers can mean increases in lateness, inefficiency, absenteeism, and lost time. Employees should present themselves for work and remain, while at work, capable of performing their work duties safely.

Research provides evidence that exposure to tobacco smoke poses major health risks to both children and adults. Babies and young children are especially vulnerable to the poisons of second-hand smoke because their bodies are developing. Effects of passive smoking include Sudden unexpected death in infancy (SUDI), infections and conditions include croup, bronchitis and the increased likelihood of childhood asthma. (*Red Nose, 2020*).

Working in line with the *Code of Conduct Policy* and *Work Health and Safety Policy* our Service aims to provide a policy regarding a tobacco, drug and alcohol-free environment with clear guidelines to ensure we create an environment that is drug-safe for all children, employees and visitors. This policy sets out expectations for all employees, volunteers and visitors regarding what is and what is not acceptable behaviour and practice in relation to alcohol and drug use and provides procedures which outline how to deal with impaired people, employees, volunteers and visitors, at the service.

SCOPE

This policy applies to staff, educators, students, volunteers, management, the approved provider, nominated supervisor and visitors of the Service.

IMPLEMENTATION

The Education and Care Services National regulations state the Approved Provider must ensure the environment is free from the use of tobacco, illicit drugs and alcohol and ensure that employees, or volunteers at the service are not affected by alcohol or drugs (including prescription medication) so as to impair the person's capacity to supervise or provide education and care to children being educated and cared for by the service. All staff, employees, volunteers and students will abide by this policy at all times, including social events held outside of service hours.

Definitions

Alcohol

- Alcohol is the most commonly used depressant drug. It affects both mental and motor function. Examples include beer, wine, spirits.

Under the Influence

- Includes a person who has taken drugs or alcohol that interferes with sound judgement and acceptable behaviour that may impair mental and physical ability to perform their duties safely.

Drugs

- **Illegal Drugs:** drugs such as cannabis, amphetamines, ecstasy, cocaine and heroin, are illegal. They are not subject to quality or price controls and the amount of active ingredient varies. A person using illegal drugs can never be sure of how strong the drug is, or what is actually in it.
- **Prescription Drugs:** Prescribed and over the counter medications can also be misused for the purposes of intoxication. Employees taking medication should find out how it may affect them by consulting their doctor and advising the Nominated Supervisor or Responsible Person if the prescribed medication will affect their mental and physical ability to perform their duties safely.
- **Illicit Drugs:** Illicit drugs include-illegal drugs, prescription medicines that have been obtained illegally or are not being used for medicinal purposes and other substances that are being used inappropriately — for example, sniffing glue or inhaling paint thinner

Use of tobacco, drugs and alcohol

- Our Service supports the [Smoke Free Environment Act 2000](#). The company and its employees will follow all conditions outlined in this act.
- Our Service is bound by the Education and Care Services National Regulations. Alcohol, drugs, or other substance abuse by employees can have serious adverse effects on their own health and the safety of others. As such, all employees must not:
 - consume illegal drugs or alcohol prior to starting work
 - consume illegal drugs or alcohol while working

- be under the influence of illegal drugs or alcohol while working
- use or possess illegal drugs at any workplace
- drive a vehicle, having consumed alcohol or suffering from the effects of illegal substances, or
- bring alcohol or any illegal drugs onto the premises.
- Smoking or vaping is NOT permitted in or on surrounding areas of the Service. (The smoking ban extends to an area of up to 5m around the land the service is approved to provide education and care).
- It is expected that the odour of cigarette smoke will not be detected on an employee's clothing or hands. If an employee is found smoking on the premises, that employee may be terminated.

Employees undergoing prescribed medical treatment with a controlled substance that may affect the safe performance of their duties are required to report this to the Nominated Supervisor. A medical certificate may be required prior to their approval to provide education and care.

Respect for People and the Service

- Management and employees understand that *workplace health and safety is everyone's responsibility*
- Management and employees have a responsibility to take reasonable care for the health and safety of themselves and others at the workplace to enable compliance with the work health and safety legislation outlined in the *Work Health and Safety Policy*
- Management and employees must provide adequate supervision of children at all times and ensure the health, safety and welfare of children and young people in their care. This includes taking all reasonable action to protect children and young people from risk of harm that can be reasonably predicted.
- Management and employees are committed to the Service philosophy and values, inclusive of best practice in early childhood education and building positive partnership with children, families and staff.

Expectations of Leaders and Management

Leaders and management are expected to:

- keep employees informed about essential information and any relevant changes and make all documents readily accessible to them
- model professional behaviour at all times whilst at the Service
- take appropriate action if a breach of the *Tobacco, Drug and Alcohol-Free Policy* occurs

- advise new employees and volunteers to the service the *Tobacco, Drug and Alcohol- Free Policy* during the induction process. Visitors will be advised of the policy through signage at the front entrance of the service
 - families and visitors are reminded that smoking is not permitted in or around the service
 - families and visitors are reminded that they should not enter the premises if they under the influence of prohibited drugs or alcohol

Expectations of Employees

EMPLOYEES WILL:

- act honestly and exercise attentiveness in all Service operations
- carry out all lawful directions, retaining the right to question any direction which they consider to be unethical. If uncertain they can seek advice from the Nominated Supervisor, Approved Provider or the Ombudsman
- report any instances of suspected alcohol or drug use at the Service
- be mindful of their duty of care towards themselves and others
- not sell, offer to sell, purchase, use, transfer or hold possession of illegal drugs while on the Service premises or when representing the service after operating hours
- be committed to valuing and promoting the safety, health, and wellbeing of employees, volunteers, children, and families
- ensure that they are not, by the consumption of drugs or alcohol, in such a condition as to endanger their own safety or that of others at the Service
- ensure they do not operate heavy machinery or operate/drive vehicles while under the influence of or used or consumed drugs or alcohol.

Adhering to Service confidentiality

- All issues pertaining to these matters shall be kept strictly confidential
- Unless authorised to do so by legislation, employees must not disclose or use any confidential information without appropriate approval
- All employees are to ensure that confidential information is not accessed by unauthorised people
- Employees will adhere to the Service's *Privacy and Confidentiality Policy*.

Social events and functions

Our Service expects all employees to follow the *Tobacco, Drug and Alcohol* Policy and Code of Conduct during social events held at the service or an external venue including events held outside of

general operating hours. Management will arrange non-alcoholic drinks and food to be supplied and public transport arranged where required. It is expected all staff act responsibly while at service social events and gatherings.

Reasonable belief or suspicion

If a co-worker suspects a colleague to be affected by drugs or alcohol, they must inform the Nominated Supervisor immediately. Employees will report any concerns they may have about inappropriate actions of any other employee that involves the use of drugs or alcohol at the service to management. Any incidents or reports are to be documented confidentially including action taken which followed the incident or report.

Management will observe and document any reasonable suspicions that an employee is under the influence of drugs or alcohol, this may include:

- observe any smell of alcohol
- eye dilation or red/bloodshot eyes
- slurred speech
- unable to act in a professional manner within the workplace
- emotions where the employee is argumentative, agitated, irritable or drowsy
- movements where the employee is unsteady or fidgety or
- other behaviours.

If the Nominated Supervisor or Responsible Person has reasonable grounds to believe that an employee is under the influence of illegal drugs or alcohol, they will be removed immediately from working directly with children. Discipline action may follow, which may include termination of employment due to a breach of service policy. A breach in the *Tobacco, Drug and Alcohol-Free Policy* may result in termination of employment, even for a first offence.

The employee may be requested to submit to a drug or alcohol screening test if there is reasonable suspicion the employee is under the influence whilst working directly with children at the education and care service. The employee is expected not to return to work until the test results have available.

Breach of the Tobacco, drug and alcohol-free Policy

All staff members are made fully aware that any breaches of the *Tobacco, Drug and Alcohol-Free Policy* and role responsibilities may lead to termination of employment, including:

- reporting to work under the influence of alcohol or drugs
- possessing or selling drugs at the Service
- failure to follow policies and procedures

No employee will be allowed to work under the influence of drugs or alcohol. A breach of this policy may initiate appropriate action including the termination of employment.

Workplace health and safety (WHS) Legislation

Each state specifies Work Health and Safety Acts and Regulations which involves the management of risks to the health and safety of everyone in the workplace. This includes providing a tobacco, drug and alcohol-free workplace for children, visitors and employees at the service.

NSW: Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017

VIC: Occupational Health and Safety Act 2004 and Occupational Health and Safety Regulations 2017

WA: Work Health and Safety Act 2020 and Work Health and Safety regulations (under development)

SA: Work Health and Safety Act 2012 and Work Health and Safety Regulations 2012

NT: Work Health and Safety (National Uniform Legislation) Act 2011 and Work Health and Safety (National Uniform Legislation) Regulations 2011

QLD: Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011

ACT: Work Health and Safety Act 2011 Act and Work Health and Safety Regulation 2011

TAS: Work Health and Safety Act 2012 and Work Health and Safety Regulations 2012

SOURCE

Australian Government. Business. [Work Health and Safety](#)

Australian Government. Department of Health. [What are drugs?](#)

Australian Government. Safe Work Australia. [Drugs and alcohol](#)

[Education and Care Services National Regulations](#). (2011).

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).

Guide to the National Quality Framework. (2017) (Amended 2020).

NSW Government. SafeWork NSW. [Alcohol and other drugs](#)

NSW Government. Work Cover NSW. (2006) [Alcohol and other drugs in the workplace, Guide to developing a workplace alcohol and other drugs policy](#)

Ombudsman Act 2001 (Cth).

Privacy and Personal Information Protection Act 1998 (Cth).

Queensland Government. Workplace Health and Safety Queensland. [Framework for alcohol and drug management in the workplace](#)

[Smoke-free Environment Act 2000.](#)

Tasmanian Government. WorkSafe Tasmania. [Alcohol and drugs](#)

Victoria State Government. Work Safe Victoria. [Guide for developing a workplace alcohol and other drugs policy](#)
Work Health and Safety Act 2011 (Cth).

Workplace Relations Act 1996 (Cth).

Work Place Law. [Drug and alcohol testing in the workplace.](#)

REVIEW

POLICY REVIEWED BY	Jana Elmir	Director	16.3.2023
POLICY REVIEWED	JUNE 2022	NEXT REVIEW DATE	JUNE 2023
MODIFICATIONS	<ul style="list-style-type: none"> • policy maintenance - no major changes to policy • minor formatting edits within text • hyperlinks checked and repaired as required 		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
JUNE 2021	Draft policy developed	JUNE 2022	