

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.

This policy outlines the requirements for the management of risks related to alcohol and drugs in the workplace, including testing procedures and disciplinary action.

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

Our Service aims to provide a tobacco, drug and alcohol-free environment. This policy sets out expectations regarding 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, and volunteers at the service are not affected by alcohol or drugs (including prescription medication) so as to impair their 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 at work-related 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

- 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 work
 - 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. If an employee is found smoking on the premises, that employee may be terminated.
- Odour of cigarette smoke must not be detectable on an employee's clothing or hands.

Employees undergoing prescribed medical treatment with a controlled substance that may affect the safe performance of their duties must report this to the Nominated Supervisor. A medical certificate may be required to confirm an employee's fitness for work.

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:

- 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:

- not use any drugs or alcohol while at work (exceptions may apply for prescription medication for legitimate medical reasons)
- report any instances of suspected alcohol or drug use at work
- 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 they do not drive vehicles while under the influence of or used or consumed drugs or alcohol.

Reasonable belief or suspicion

If the manager/supervisor suspects, on reasonable grounds, that an employee has consumed, is affected by or is in the possession of drugs or alcohol, the worker will accompany the manager/supervisor whilst a search of their bag(s), locker or other possessions is undertaken. A refusal to consent to or permit a search, may result in disciplinary action against the employee.

If it is suspected that an employee is affected by drugs or alcohol and, the manager/supervisor must direct the employee to leave the workplace and/or to undertake testing. The manager/supervisor will assist the worker in finding safe transport home. Refusal to submit to drug and/or alcohol testing will be deemed a positive test.

The Service also reserves the right to conduct random testing for Illicit Drugs and Alcohol by an accredited testing organisation. Refusal to submit to random testing, will be deemed a positive test.

All initial positive tests will result in the paid suspension of the employee pending further investigation. Any disciplinary action will depend on the circumstances of the breach as determined by the investigation. **Breaches of this policy (including single breaches) may result in dismissal.**

Where a breach of the policy has occurred, but, due to mitigating factors, the Service determines that dismissal is not the appropriate sanction, the following conditions may be imposed:

- A documented discussion about the behaviour;
- A written warning issued and placed on the employee's file;
- Access to education and support mandated;
- An agreement to enter into a documented testing regime; and/or
- Any other conditions deemed appropriate by the company.

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.

SA: 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).
Ombudsman Act 2001 (Cth).
Privacy and Personal Information Protection Act 1998 (Cth).
[Smoke-free Environment Act 2000](#).
Work Health and Safety Act 2011 (Cth).
Workplace Relations Act 1996 (Cth).
Work Place Law. [Drug and alcohol testing in the workplace](#).

REVIEW

December 2022

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