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: CHILDREN'S HEALTH AND SAFETY		
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
170	Policies and procedures are to be followed
190	Infringement offences

RELATED POLICIES

Child Protection Policy Child Safe Environment Policy Code of Conduct Policy Dealing with Complaints Policy (staff) Interactions with Children, Family, and Staff Policy	Excursion/Incursion Policy Privacy and Confidentiality Policy Safe Transportation Policy Work Health and Safety Policy

PURPOSE

We aim to ensure our education and care service is a tobacco, drug, vape, 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 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 an vaping substances 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, including 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, vape, and alcohol-free environment with clear guidelines to ensure we create an environment that is drug-free 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, students, volunteers, 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, vaping devices, vaping substances, illicit drugs and alcohol and ensure that employees, or volunteers at the service are not affected by alcohol or drugs (including prescription medication) 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 always abide by this policy, 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, and spirits.

Under the Influence

- Includes a person who has taken drugs or alcohol that interferes with sound judgment and acceptable behaviour, which 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 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.

E-Cigarettes (Vaping)

- battery-powered devices called e-cigarettes are utilised to heat a liquid substance that generates a vapor, which is then inhaled, thus imitating the smoking process
- vaping device: has the same meaning as in section 41P of the Therapeutic Goods Act 1989 of the Commonwealth
- vaping substance: has the same meaning as in section 41P of the Therapeutic Goods Act 1989 of the Commonwealth.

Use of tobacco, drugs, vapes, 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 the surrounding areas of the Service. (The smoking ban extends to an area of up to **5m** around the land where the service is approved to provide education and care)
- educators, staff, visitors and volunteers must not carry or use vaping substances or vaping devices on the Service premises while education and care is provided to children
- it is expected that the odour of cigarette/e-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.
- Smoking or vaping is **NOT permitted** while staff are supervising or participating in excursions or other off-site activities.

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*
- 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*
- must always provide adequate supervision of children 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

- 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 on 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 area
  - families and visitors are reminded that they should not enter the premises if they are 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
- report any observations of instances of smoking or vaping in the presence of children to management
- 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 well-being 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 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 use or consume, 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-Free* 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 will be arranged where required. It is expected that 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 involve the use of drugs or alcohol at the service to management. Any incidents or reports are to be documented confidentially, including the action taken following the incident or report.

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

- observe any smell of alcohol
- eye dilation or red/bloodshot eyes
- slurred speech
- unable to act professionally 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. Disciplinary action may follow, which may include termination of

employment due to a breach of service policy. A breach of 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 that 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 are 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
- vaping or smoking on the Service premises while education and care is provided to children
- 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 disciplinary action, including the termination of employment.

Workplace health and safety (WHS) Legislation

Each state specifies Work Health and Safety Acts and Regulations, which involve 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.

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

CONTINUOUS IMPROVEMENT

Our *Tobacco, Drug and Alcohol-Free Policy* will be reviewed on an annual basis or earlier if there are changes to legislation, ACECQA guidance or any incident related to our policy, in consultation with children, families, staff, educators and management

RELATED RESOURCES

Code of Conduct – Staff Acknowledgement

SOURCE

Australian Children's Education & Care Quality Authority. (2025). *Guide to the National Quality Framework*
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 Law Act 2010. (Amended 2023).
Education and Care Services National Regulations. (2011). (Amended 2023).
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	KAREN PETRIE	PROJECT OFFICER – EARLY CHILDHOOD	SEPTEMBER 2025
POLICY REVIEWED	JUNE 2025	NEXT REVIEW DATE	JUNE 2026
VERSION NUMBER	V7.09.25		
MODIFICATIONS	• policy reviewed out of regular calendar review due to legislation changes • minor edits within policy • sources checked for currency and updated as required		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		NEXT REVIEW DATE
JUNE 2025	• annual policy review • sources checked for currency and repaired as required		JUNE 2026