

Tobacco, Drug and Alcohol Policy



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Warning - Ensure you are using the latest version of this policy.			
DCC Network/All Organisation Information/Policies/Quality Area 2 – Children's Health & Safety			

1. Policy Statement

River Region Early Education (RREE) is committed to providing and maintaining a safe and healthy and environment for children that includes ensuring that children and people working in and visiting our services are not affected by tobacco, drugs or alcohol. This includes prohibiting smoking or vaping, the illicit use of drugs and the consumption or possession of alcohol on RREE premises and requiring employees to undertake drug or alcohol testing. Employees and volunteers are required to not be affected by alcohol or drugs while at work in a way that impairs their ability to provide a safe and nurturing environment for children.

2. Rationale

All children have the right to experience quality education and care in a safe and healthy environment, be it physical, emotional or social. This includes an environment that is free from tobacco and alcohol and the illicit use of drugs. This policy gives guidance to employees, volunteers and visitors around restrictions on smoking, including vaping, the use of alcohol and drugs at work and work events, and procedures for alcohol and drug testing.

Education and Care Services National Regulations require approved providers to ensure that children being educated and cared for by the service are provided with an environment that is free from the use of tobacco, illicit drugs and alcohol, that employees and volunteers at a service are not affected by alcohol or drugs (including prescription pharmaceuticals) so as to impair their capacity to supervise or provide education and care to children, and to have policies and procedures in place for providing a child safe environment to minimise risk of harm and hazard to children attending education and care services.

This policy forms part of a series of policies that contribute to Education and Care Services National Regulation 168 h) requirement for policies regarding providing a child safe environment. These policies include:

- NQS2.24 Child Safe Supervision Policy
- NQS2.60 Child Safety and Protection Policy
- NQS3.20 Physical Environment Policy
- NQS4.34 Staff Training and Development Policy
- NQS4.35 Recruitment and Selection Policy
- NQS4.38 Staffing Arrangements Policy
- NQS7.45 Code of Conduct Policy

3. Scope

This policy applies to all employees, including students, trainees, volunteers, and Board members, and visitors while on RREE premises.

4. Responsibilities

It is the responsibility of the Board as Approved Provider to ensure that:

- Children being educated and cared for by the service are provided with an environment that is free from the use of tobacco, illicit drugs and alcohol,
- Employees and volunteers 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,
- Nominated Supervisors do not consume alcohol while educating and caring for children in a service,
- The service has in place policies and procedures in relation to providing a child safe environment to minimise risk of harm and hazard to children attending education and care services,
- Nominated supervisors and staff members of, and volunteers at, the service follow the policies and procedures required under regulation,
- Copies of the current policies and procedures required under regulation are readily accessible to nominated supervisors, educators, and volunteers, and are readily available for inspection at the education and care service premises at all times that the service is educating and caring for children or otherwise on request, and
- Parents of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure referred to in regulation that may have a significant impact on the provision of education and care or a family's ability to use the service, or as soon as practicable if the notice period would pose a risk to the safety, health, or wellbeing of any child enrolled in the service.

It is the responsibility of the General Manager to:

- Carry out and delegate the responsibilities of the Board as listed above,
- Support employees to understand their obligations in providing an environment free from tobacco, illicit drug and alcohol while at work, on RREE premises and/or representing the organisation,
- Provide support to employees on request who identify a concern with their use of alcohol or drugs,
- Where appropriate, authorise the moderate consumption of alcohol at work-related social events where children are not present,
- Ensure RREE premises display signs compliant with NSW Smoke-free Environment Regulation 2016,
- Manage drug and alcohol testing procedures at random or in response to a reasonable suspicion that an employee is affected by drugs or alcohol while at work,
- Conduct any investigations into the use of tobacco, illicit drugs or alcohol by employees, including refusal to undertake testing, in accordance with the *Underperformance, Misconduct and Disciplinary Policy*,
- Report any criminal acts related to tobacco, illicit drugs or alcohol to NSW Police where required, and

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- Maintain confidentiality of sensitive information, including the identity of the employee, where testing or investigation is being undertaken.

It is the responsibility of employees to:

- Refrain from smoking or vaping on or within 10m of RREE premises or 4m of the main pedestrian access to RREE buildings or while at work,
- Be familiar with and abide by any requirements related to drugs and alcohol in their employment contract,
- Ensure that alcohol and illegal drugs are not kept or used on RREE premises,
- Ensure they are not affected by drugs or alcohol while at work or representing the organisation, in a way that impairs their capacity to undertake the requirements of their job or ability to provide a safe environment for children,
- Ensure they have a zero blood alcohol level when driving RREE vehicles or their own vehicle while at work,
- Participate in drug and alcohol testing as directed by the General Manager or their delegate,
- Notify their supervisor or the General Manager if they have a reasonable suspicion that an employee or volunteer is breaching this policy, and
- Request support from their supervisor or the General Manager if they are concerned about their use of drugs or alcohol and how it might be affecting their work performance.

5. Definitions

At work – workplace, as defined under the NSW Work Health and Safety Act 2011, as a place where work is carried out for a business or undertaking and includes any place where a worker goes or is likely to be while at work, including a vehicle or another business.

Illicit use of drugs – as defined by Australian Institute of Health and Welfare, use of:

- Illegal drugs – drugs prohibited from manufacture, sale or possession in Australia, including cocaine, heroin and amphetamine-type stimulants,
- Pharmaceuticals – drugs available from a pharmacy, over-the-counter or by prescription, which may be subject to non-medical use (when used for purposes, or in quantities, other than for the medical purposes for which they were prescribed). Examples include opioid-based pain relief medications, opioid substitution therapies, benzodiazepines, and steroids, and
- Other psychoactive substances – legal or illegal, used in a potentially harmful way – for example, synthetic cannabinoid receptor agonists and other synthetic drugs; inhalants such as petrol, paint or glue (Department of Health 2021).

Vapes - also called e-cigarettes, they are battery operated devices that heat a liquid to produce an aerosol that users inhale (often called vaping).

6. Guidelines

Under NSW Health and Safety legislation, workers are responsible for their own physical health and need to:

- Be fit and well enough to do their job, and
- Not be under the influence of alcohol or drugs or use alcohol or illegal drugs while at work.

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If an employee is concerned about their use of drugs or alcohol and how it might be affecting their work performance, they can identify this concern with the General Manager who will:

- Provide information and resources about health, wellbeing and the effects of drug and alcohol use,
- Locate suitable support groups, counselling or rehabilitation services, and
- Maintain the confidentiality of information provided by the employee.

a) Smoking and vaping

Smoking, including using e-cigarettes (vapes), is banned in all enclosed public areas and certain outdoor public areas, under the Smoke-free Environment Act 2000 and the Smoke-free Environment Regulation 2016. These bans protect people from harmful second-hand tobacco smoke as there is no safe level of exposure to second-hand smoke.

- River Region Early Education premises are a smoke-free environment.
- Smoking and vaping are not permitted on or within 10 metres of RREE premises or within 4 metres of the main pedestrian access to RREE buildings.
- Smoking or vaping is not permitted while at work, including on excursions, at external meetings, or in any place that can be viewed by children and families.
- Smoke-free signs will be displayed near the entrances to all RREE buildings.

b) Alcohol

River Region Early Education believes in role modelling safe and healthy behaviours for children and young people. The earlier a person starts drinking alcohol at harmful levels, the greater the risk of changing the development of the brain. This can lead to problems with memory and learning and increases the risk of having alcohol-related problems later in life.

- River Region Early Education premises are an alcohol-free environment during working hours and while children are present.
- Employees and volunteers should not consume alcohol or be affected by the consumption of alcohol while at work, including on excursions, at events during working hours, at external meetings, or in any place they can be viewed by children.
- Employees driving RREE vehicles must have a zero blood alcohol reading.
- Moderate consumption of alcohol at work-related social events is permitted where children are not present and with the authorisation of the General Manager or Approved Provider.
- Alcohol given as gifts to employees or volunteers while at work should be removed from the premises as soon as possible.
- Alcohol included in fundraising should be represented by images.

Where there is a reasonable suspicion that an employee or volunteer is affected by alcohol at work or is unfit for work due to alcohol use, they will be removed from the work environment and may be required to undertake alcohol testing.

c) Drugs

River Region Early Education requires employees and volunteers to ensure they are able to provide a safe and nurturing environment for children and demonstrate organisational values and philosophy in their conduct. This includes ensuring, while at work or representing the organisation, that they:

- Do not undertake the illicit use of drugs nor possess, distribute, sell, use or consume illegal drugs, and

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- Are not affected by legal or illegal drugs (including alcohol and prescription and other pharmaceuticals) in a way that impairs their ability to undertake the requirements of the job role or provide a safe environment for children and work colleagues.

Prescription medication is permitted to be taken in circumstances where it has been properly prescribed by a registered medical practitioner with respect to a medical condition and the medical practitioner has certified the employee as fit to perform their job safely while taking the medication.

The use of illegal drugs at work may be referred to NSW Police as a criminal act and managed as serious misconduct in accordance with *Underperformance, Misconduct and Disciplinary Policy*.

Where there is a reasonable suspicion that an employee or volunteer is affected by the illicit use of drugs or is unfit for work due to drug use, they will be removed from the work environment and may be required to undertake drug testing.

d) Drug and alcohol testing

RREE may require employees (or volunteers where they have an ongoing role within the organisation) to undergo testing for the presence of drugs and/or alcohol, with or without prior notice. Employees must submit to such testing and understand that it may be random, planned, or incident related, for example where there is a reasonable suspicion that an employee is affected by the illicit use of drugs or is unfit for work due to alcohol or drug use.

Drug or alcohol testing will be approved and managed by the General Manager or Approved Provider. The procedure for drug and alcohol testing is as follows:

1. The employee completes a drug test using a commercial saliva testing kit or an alcohol test using a commercial urine or breath testing kit. Where the employee is aged under 18 years, a parent or guardian should be present.
2. If required, the employee completes secondary formal drug or alcohol testing at an independent and reputable testing facility as soon as possible.
3. If the result of any drug or alcohol testing is positive, the employee leaves the premises immediately and will be suspended from work until an investigation is undertaken in accordance with the *Underperformance, Misconduct and Disciplinary Policy*.

e) Investigation and disciplinary outcomes

Investigation and disciplinary outcomes will be in accordance with the *Underperformance, Misconduct and Disciplinary Policy* and will commence within one working day where feasible.

The following is considered misconduct or serious misconduct and may result in termination of employment, particularly if criminal, repeated or considered to be wilful:

- Any criminal offence related to the use of drugs or alcohol,
- Illegal drugs or paraphernalia found on RREE premises, the use of illegal drugs while at work or a positive drug test for illegal drugs,
- A serious incident resulting from being affected by alcohol or drugs while at work,
- Removal from the workplace due to being impaired by drugs or alcohol and unfit for work,
- Smoking or vaping or consuming alcohol while on RREE premises or at work,
- A positive drug or alcohol test, and/or
- Refusal to undertake drug or alcohol testing when requested.

Employees may be suspended without pay for any time they are absent from work pending drug or alcohol testing or investigation, including due to a refusal to be tested.

7. Relevant Legislation, Regulations and Standards

Law and Regulation	
	NSW Smoke-free Environment Act 2000 and Regulation 2016
	NSW Work Health and Safety Act 2011 and Regulations 2017
Education and Care Services National Regulation	
82	Tobacco, drug and alcohol-free environment
83	Staff members and family day care educators not to be affected by alcohol or drugs
168	Education and care services must have policies and procedures – h) providing a child safe environment
National Quality Standards	
2.2.1	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
4.2.2	Professional standards guide practice, interactions and relationships.
7.1.2	Systems are in place to manage risk and enable the effective management and operation of a quality service.
Child Safe Standards	
5	People working with children are suitable and supported
10	Policies and procedures document how the organisation is child safe
Early Years Learning Framework Learning Outcomes	
Early Years Learning Framework Principles	
Early Years Learning Framework Practices	

8. Related Documents

Doc #	Attachments

Doc #	Intersections with other key documents
NQS7.45	Code of Conduct Policy
NQS7.44	Underperformance, Misconduct and Disciplinary Policy

9. Document Control

Doc #	Doc Title	Version	Approved	Next Review
NQS4.36	Tobacco, Drug and Alcohol Policy	1	June 2018	June 2020
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