

Tobacco, Vape, Drug and Alcohol Free environment policy

Policy Statement

All workplaces have a regulatory and legislative duty of care to provide a safe and healthy environment free from tobacco, vaping, drugs and alcohol. Smoking is defined as the act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind". Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars. Children, educators and families will not be exposed to the harmful effects of second-hand smoke while on before and after school premises and school premises.

Links Education and Care Centres National Regulations 2018, National Quality Standard 2018

Regs

82	Environment to be free from tobacco, vaping devices, vaping substances, drugs and alcohol
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

NQS

2.2.1	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
4.1	Professional standards guide practice, interactions and relationships.
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.
7.1.3	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.

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 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.

Working in line with the *Code of Conduct Policy* our OSHC 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-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 OSHC 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

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 OSHC Service supports the [Smoke Free Environment Act 2000](#). The company and its employees will follow all conditions outlined in this act.
- Our OSHC 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 OSHC Service. (The smoking ban extends to an area of up to 5m around the land 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 OSHC 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.
- 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 OSHC 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 OSHC 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 OSHC 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 OSHC 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 OSHC 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 OSHC Service expects all employees to follow the *Tobacco, Drug and Alcohol-Free Policy* and Code of Conduct during social events where children are present, either held at the service or an external venue including events held outside of general operating hours. For events organized by Management for only the staff to be present, non-alcoholic drinks and food are to be supplied and public transport arranged where required as an option, however staff are not expected to follow this policy when off center grounds. Although 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.

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 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](#)

CONTINUOUS IMPROVEMENT/REFLECTION

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.

Procedures

Preventing children's exposure on the centre premises

- Staff, parents and any other visitors to the service are not permitted to smoke or vape on or adjacent to the premises or within view of the children
- No alcohol or any unlawful substance is consumed in any part of the premises at any time when children are at the Service
- Ensure that during orientation and enrolment visits, families are reminded that the service and school is a smoke free environment
- Prescription medications such as asthma preventatives and treatment, and paracetamol are acceptable, but will be managed in accordance with the Service's safe storage of dangerous goods procedures.
- As part of their duty of care to ensure a healthy and safe environment for children, the educators must inform the Nominated Supervisor immediately of anyone on the premises that they suspect is affected by alcohol or drugs.
- Educators will be informed of the policy during induction and in the staff handbook.

Educators Responsibilities to ensure the centre is a smoke, vape, alcohol and drug free zone

- Educators will take all precautions whilst out of the service on an excursion to avoid children being exposed to tobacco, drug and alcohol substances and users.
- Educators will not be permitted to smoke or vape during their shift. Any Educator caught taking a break to smoke will be dismissed from their shift immediately.

What are electronic cigarettes?

Electronic cigarettes or e-cigarettes are battery operated devices that heat a liquid (also known as e-liquid) to produce a vapour that users inhale. E-cigarettes are also called e-cigs, electronic nicotine delivery systems (ENDS), or alternative nicotine delivery systems (ANDS).

Tobacco, drug and alcohol policy

E-cigarettes may be shaped and coloured to make them look like cigarettes or other tobacco products like cigars, cigarillos, pipes, hookahs, shishas and sometimes they look like everyday items such as pens or USB memory sticks.

When using an e-cigarette, the user inhales and exhales the vapour from the heated e-liquid. E-liquid contains a range of chemicals and it may or may not contain nicotine. E-cigarettes that do not contain nicotine are legal in NSW.

The [Smoke-free Environment Act 2000](#) prohibits people from using e-cigarettes in smoke-free areas.

Enforcement

Any Educator caught smoking or vaping on the premises will be provided with a written warning. If they are observed again it may result in dismissal.

Any staff member who attends work under the influence of alcohol or drugs is relieved from duties immediately, and risks disciplinary action which may result in dismissal.

Sources & Related Legislation

- Guide to the National Quality Standard (3) ACECQA (2011)
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations
- NSW Health [www.health.nsw.gov.au/publichealth/health promotion/tobacco/legislation.asp](http://www.health.nsw.gov.au/publichealth/health%20promotion/tobacco/legislation.asp)
- Centre for Community Child Health www.rch.org.au/ccch
- The Cancer Council Australia www.cancer.org.au
- The Cancer Council of NSW www.cancercouncil.com.au
- Health and Safety in Children's Centres: Model Policies and Practices (2nd ed.) www.community.nsw.gov.au/docswr/assets/main/documents/childcare_model_policies.pdf.
- <https://www.health.nsw.gov.au/tobacco/Pages/e-cigarettes.aspx>
- 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).
- [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](#).

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