

TOBACCO, ALCOHOL AND PROHIBITED SUBSTANCES POLICY



Policy Statement

Little Adventures Early Learning aims to provide a safe learning environment for children, a safe work environment for employees and to promote the health and safety of all people that enter the premises. This Policy applies to all employees, volunteers, work experience students, visitors and any other persons deemed as workers under applicable workplace health and safety legislation (collectively "Workers").

Little Adventured Early Learning adopts a zero-tolerance approach to the use of drugs, alcohol, smoking and vaping at the centre. Any employee found to be under the influence of drugs or alcohol or smoking at the premises will face disciplinary action, which may include termination of employment and cancellation of visitation privileges for approved visitors.

For the purpose of this policy, "work"/"workplace" is broadly defined and includes any work or other services done for Little Adventures Early Learning at any location, and is not limited to the Centre. This policy will also apply to out of hours conduct if such conduct impacts, or has the potential to impact, on Little Adventures Early Learning's reputation and/or is associated with the Workers' work for Little Adventures Early Learning.

Strategies and Practices

- The *Tobacco, Alcohol and Prohibited Substances Policy* is available to families upon enrolment and staff upon induction.
- The **Approved Provider** must ensure the Nominated Supervisor and all other Workers are aware of and abide by this policy at all times.
- The **Nominated Supervisor/Responsible Person** is responsible for ensuring:
 - All Workers, volunteers, students or visitors are aware of and abide by this policy at all times.
 - Ensure that no Worker commences or continues their duties if they appear to be impaired as a result of alcohol, illegal drugs, medication or other substances.
 - Manage breaches of this policy including reporting breaches of the policy and implementing action warranted by any such breaches such as suspension from duty, administration of drug and/or alcohol testing, investigations, disciplinary action, dismissal, or termination.
 - Seek advice from the Approved Provider/HR Department as required.
- Each worker undertakes that they will:
 - Take off their uniform before smoking. If a worker is caught smoking during their shift in their uniform, disciplinary action may be taken.
 - Not smell of smoke. Personal hygiene must be adhered to including thorough hand washing, clothing being free from smoke and mouth wash being used before commencing work.
 - Not consume or take alcohol or illicit substances while performing work.
 - Attend work in a fit and proper condition, not affected by alcohol or illicit substances, nor be under the influence of medications that may impair their ability to perform their duties.
 - Not possess alcohol, tobacco, vaping devices or illicit substances at the Service other than medication prescribed by a medical practitioner or those available over the counter.
 - Notify the Nominated Supervisor/Responsible Person, Approved Provider or Resource & Development Manager if they perceive that another person is posing a risk to themselves or others due to appearing to

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be affected by alcohol or illicit substances.

- Act consistently with their obligations under the work health and safety legislation and their contract of employment to take reasonable care not to adversely affect the health and safety of themselves or others within the Workplace and to behave appropriately and professionally at all times when at work or representing Little Adventures Early Learning at functions.
- Any Worker who is known or reasonably suspected of being adversely affected by alcohol and/or illicit substances so as to impair their ability to safely perform their work contrary to this policy may be required to cease work, leave Little Adventures Early Learning premises until further notice and/or be required to undertake an alcohol or drug test or attend an independent medical examination which may involve testing. In addition, a Worker may be required to submit to a search of personal property.
- **Families** are responsible for ensuring they:
 - Report to the Nominated Supervisor/Responsible Person or Approved Provider any instances where they see a staff member smoking or vaping near the Service or in their uniform
 - Report to the Nominated Supervisor/Responsible Person or Approved Provider any instances where they perceive that another person is posing a risk to themselves or others due to appearing to be affected by alcohol or illicit substances
 - Do not possess or use tobacco, vaping devices or any prohibited substance on the premises or near any children in the Service
 - Do not smoke cigarettes or vaping devices in their car with any child under 16 years of age in the vehicle. This is illegal and if caught may be reported to authorities. This applies also to passengers.
- **Workers** who take prescription and/or over-the-counter medication ("Permitted Drugs") must:
 - Do so in accordance with the instructions on the packaging and/or instructions of their medical practitioner;
 - If Permitted Drugs are prescribed by a Medical Practitioner, consult with the Medical Practitioner as to whether it may impair their ability to perform their role or endanger their own or others safety and obtain written advice on their effect from their registered Medical Practitioner;
 - Notify the Responsible Person/Nominated Supervisor if taking Permitted Drugs that are legally prescribed by a registered Medical Practitioner or over the counter medication, which may impair their ability to perform their role or endanger their own or others safety; and
 - If there may be any impact on the Worker's ability to work safely, alternative arrangements will be made which may include performing alternative duties, ceasing work or being required to take personal leave.
- Little Adventures Early Learning adheres to a strict zero tolerance policy regarding illegal drugs at work. A Worker believed to be buying, selling, creating, distributing, consuming or in possession of illegal drugs while at work may be considered to have engaged in serious misconduct which may result in the immediate termination of his/her employment. Where a Worker's behaviour or conduct may involve a breach of Australian Law, Little Adventures Early Learning may notify the Police or other relevant government authorities as appropriate/required.
- Workers may attend work related functions from time to time at which alcohol is available. Such functions include external training sessions, lunch, informal after work drinks, Christmas Parties and end of year functions. The following conditions must be complied with at work related functions:

Workers:

- Must not consume alcohol if they are required to return to work following the work related function;
- Who consume alcohol must be over 18 and do so responsibly (consumption of non-alcoholic and low alcoholic beverages are encouraged) and must refrain from encouraging or assisting others to become

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intoxicated or drunk;

- Must display appropriate conduct and act in accordance with their contract of employment which includes not bringing the service into disrepute, damaging or potentially damaging its reputation;
 - Must ensure they obtain safe transport from the workplace or other venue and not drive a motor vehicle in breach of local laws; and
 - Understand that if the Worker's consumption of alcohol is reasonably considered excessive or if a Worker displays signs of intoxication, the Worker will not be served any more alcohol and may be removed from the premises.
- Employees are encouraged to identify and address any drug or alcohol problems that may impact on the workplace. Any employee who has a drug or alcohol related problem, or who is concerned another employee has a problem, is encouraged to raise this with the Nominated Supervisor/Responsible Person without fear of reprisal. At the request of the employee, Little Adventures Early Learning will endeavour to provide reasonable assistance in relation to drug or alcohol related problems affecting the employee, which may include a structured rehabilitation program.
 - Where a Worker is known or reasonably suspected of being adversely affected by alcohol and/or drugs or has been involved in a workplace incident or accident, Little Adventures Early Learning at its discretion, may subject that individual or a group of Workers to drug and/or alcohol testing. Where reasonably practicable, testing will be performed in accordance with Australian Standards AS/NZS 4308:2088 and/or AS 4760:2006.
 - This policy is to be strictly adhered to by all Workers. All workers are required to familiarise themselves with this document. Contravention of this policy may result in disciplinary action being taken against the Worker, including termination of the Worker's employment or engagement.
 - In certain circumstances, a breach of this policy may be reported to the Police (e.g. criminal activity such as illegal drug use or assault) and the individual Worker involved could be guilty of a criminal offence.
 - Workers may expose not only Little Adventures Early Learning to legal action resulting from a breach of this policy, but themselves individually. For example, both Little Adventures Early Learning and an individual Worker could be prosecuted under the Work Health and Safety Act 2011 (NSW) resulting from an incident at work while the Worker is affected by drugs or alcohol.
 - Where a worker believes that a breach of this policy may have occurred, he or she should report the matter to management.
 - If found to be in breach of this policy, families and visitors will be asked to leave the workplace immediately and may not be allowed to return.
 - Any employee of Little Adventures Early Learning who is adversely affected by alcohol or another drug will not be allowed to work until they are fit to do so. Suitable transport will be arranged to the person's home at the expense of the company. If the employee is located away from home, employee will be transported to their local residence. If an employee affected by alcohol or other drugs are sent home to recover, they will not be paid for the lost time.

Legal Compliance

This policy complies with the Work Health and Safety Act 2011, which requires provision and maintenance of a safe work environment without risks to health and safety.

It also aligns with the Fair Work Act 2009, which addresses workplace bullying and the need for a safe work environment.

References

- *Education and Care Services National Law*
- *Education and Care Services National Regulations*
- Community Early Learning Australia – Sample Policies
- Australian Child Care Alliance NSW –
<https://nsw.childcarealliance.org.au/members/policies-required-under-regulation-168>
- Standards Australia - <https://www.standards.org.au/>
- *Work Health and Safety Act 2011 (NSW)*
- Dr Brenda Abbey (Childcare by Design)

Policy Review

The Service encourages staff and families to be actively involved in the review of each of its policies and procedures. In addition, the Service will accommodate any new legislative changes as they occur and any issues identified as part of the Service's commitment to quality improvement. The Service consults with relevant recognised authorities, where necessary, as part of the review to ensure the policy contents are consistent with current research and contemporary views on best practice.