

47. Smoke (including e-cigarettes), Vaping Devices, Vaping substances, Drug and Alcohol Free Environment



Introduction

All workplaces have a regulatory and legislative duty of care to provide a safe, healthy smoke (including e-cigarettes), Vaping Devices, Vaping substances, drug and alcohol free environment for children, educators and families.

Purpose

At Tillys we are committed to providing a safe, healthy and secure environment for all children, families, staff and educators. The quality of the care we provide will not be compromised by the presence of employees under the influence of alcohol, non-prescribed drugs or over the prescribed dose of prescription medication in the workplace. Children, families, staff and educators will not be exposed to the harmful effects of second hand tobacco smoke/e-cigarette, vape devices and vaping substances while on centre premises.

Goals – What are we going to do?

This policy is designed to eliminate the risks inherent in the use or abuse of drugs, alcohol or other substances in the workplace and its impact on our centre and broader community. The centre has adopted a smoke free environment policy to protect all persons who access the centre from the effects of environmental tobacco smoke and e-cigarettes, vape devices and vaping substances. The centre does not permit smoking/e-cigarette, vape devices and vaping substance use in any area of the premises including centre car park.

Strategies – How will it be done?

Employees must always be in a fit state to carry out their duties when at work. They must not possess, consume or be under the influence of alcohol or other impairing substances.

Tillys Play & Development Centres have a '**zero tolerance**' to drugs, alcohol and smoking/e-cigarette, vaping devices and vaping substance use in the workplace. Employees are not permitted to work while under the influence of drugs or alcohol.

All areas of the centre including the building, outdoor areas and car park are smoke/e-cigarette, vape devices and vaping substance free zones.

Anyone suspected of being impaired due to alcohol or substance abuse or taking of drugs, legal or illegal, must immediately be removed from the workplace. Tillys Play & Development Centres will carry out screening for alcohol and drugs. Testing may be carried out on reasonable suspicion or following an accident or incident. Tillys Play & Development Centres also reserves the right to introduce random testing where it is considered appropriate.

Providing assistance through a range of preventative, educational and rehabilitative measures to overcome drug and alcohol problems that could impair an employee's ability to work safely.

Encourage our employees to maintain good health and wellbeing through a suitable lifestyle balance.

Alcohol and drug testing and disciplinary process

- We will carry out screening for alcohol and drugs. Testing may be carried out on reasonable suspicion or following an accident or incident. We also reserve the right to carry out random testing where it is considered appropriate.
- The disciplinary process will be invoked, and may lead to summary dismissal, in the case of any direct employee who:
 - Is removed from a workplace due to impairment or suspicion of impairment caused by substance abuse, drugs or alcohol consumption
 - Tests positive for illegal drugs
 - Is found to have a blood alcohol level greater than 0.00 or the equivalent in urine or breath samples.
 - Refuses to undertake a screening test for alcohol or drugs, or
 - Is found supplying illegal drugs or is charged with a drug or alcohol related offence.
- Persons found to be exhibiting the effects of drugs or alcohol may be required to have an appropriate test conducted. If a positive drug and alcohol reading is recorded at any time, the employee will be subject to disciplinary action, possibly including suspension and/or termination of employment.
- An employee found to be exhibiting the effects of drugs or alcohol, or returning a positive drug or alcohol reading, or refusing to participate in testing, will be required to cease work immediately and leave the workplace.
- As part of our commitment to maintaining safe work practices, Tillys Play & Development Centres are unable to allow employees to resume work until such time as they undertake testing and a negative result is obtained.
- Employees sent home or to a medical examination must report to the approved provider or nominated supervisor the following working day or when they are no longer under the influence of drugs or alcohol to discuss the incident.
- Employees who return a positive result or refuse testing will not be paid for this time off work until a negative drug test is returned.

Requests for help

Tillys Play & Development Centres will treat any requests for assistance from any employee who volunteers the information that they have a drink or drug related problem sympathetically. A request of this nature will not be accepted subsequent to or immediately prior to testing for alcohol and drugs. During any regime of treatment, the individual would remain subject to the requirements of this policy whilst at work.

Drug and Alcohol Management Strategies

- Tillys Play & Development Centres will ensure that where there is a risk to health and safety from drug or alcohol misuse, effective control strategies will be implemented.
- Such control strategies will focus on job performance and safety and will be implemented in conjunction with appropriate counselling.
- The Drug and Alcohol Policy will be explained to all new employees at induction.
- Workers are encouraged to report drug and alcohol problems that could present safety risks.

- Suitable training will be provided, if needed, so that workers will know how to deal with drug and alcohol misuse appropriately.
- Interventions in the case of safety-related drug and alcohol problems will be monitored and evaluated and followed up with further action if required.

Employee Responsibilities

Employees, within the scope of their authority, are responsible for ensuring that:

- The objectives of this policy are integrated into work practices.
- Effective action is taken to prevent accidents, incidents or injuries, which could result from drug or alcohol misuse.
- Risks arising from drug or alcohol misuse are identified, assessed and controlled.

Confidentiality

When addressing issues relating to alcohol and drug misuse, all parties should be sensitive to the individual's right to confidentiality, privacy and dignity. If the employee is aged less than eighteen years, the parent/guardian may also need to be involved.

This policy will be notified to sub-contractor and agency firms and it will be a condition of their contract with the Tillys Play & Development Centre that this policy applies to anyone they send to the service.

Roles and Responsibilities

Approved Provider will:

- Ensure that children being educated and cared for by the service are provided with an environment that is free from the use of tobacco, vaping devices, vaping substances, illicit drugs and alcohol.
- Take precautions to promote the health and wellbeing of children being cared for at the centre by protecting them from exposure to tobacco smoke, e-cigarette, vape devices and vaping substances and the effects of drug or alcohol abuse.
- Designate all area of the centre including the building, outdoor areas and the car park as smoke, e-cigarette, vape devices and vaping substances, illicit drugs and alcohol free zones

Nominated Supervisor will:

- Seek to protect children from passive smoking/vaping environments during excursions.
- Ensure that educators receive an induction to the centre where they are informed of the Smoke (including e-cigarettes), vape devices and vaping substances, Drug and Alcohol Free Environment Policy.
- Inform educators who choose to smoke (including e-cigarettes), vape devices and vaping substances while employed at the centre that they are only able to leave the premises during allocated break periods. They must inform the nominated supervisor or colleagues that they are leaving premises and if smoking (including e-cigarettes), vape devices and vaping substances

- must not be within view of the centre and must not be in their uniform. At such times, educators must sign in and out of the service. When educators return to the service after smoking (including e-cigarettes), vape devices and vaping substances, they must wash their hands thoroughly, use mouth wash to minimise the smell of tobacco/e-cigarette, vape devices and vaping substances on their clothing and breath. The same applies when arriving at work if they have been smoking prior to their shift commencing.
- Ensure that during orientation and enrolment visits, families are reminded that the centre is a smoke (including e-cigarettes), vape devices and vaping substances, drug and alcohol free environment.
- Encourage educators and families to dispose of cigarette butts, e-cigarettes, e-cigarette refills, vape devices and vaping substances appropriately to ensure the safety of all children.
- Ensure information is available in family handbooks etc.

Related Legislation

- Education and Care Services National Law Act
- Education and Care Services National Regulations: Regulations 82
- The NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011
- Smoke-free Environment Act 2000
- Smoke-free Environment Regulation 2007
- Public Health Act 2008

Links to other policies and documents

- Child Protection Policy
- Enrolment and Orientation
- Code of Conduct
- Excursions
- Family Information Book
- Staff Handbook
- Staffing Policy

Links to Education and Care Services National Regulations: 82

Links to National Quality Standards/Elements: 2.1, 2.2, 3.1, 4.2

Sources

- Guide to the National Quality Standard – ACECQA
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations
- NSW Health – www.health.nsw.gov.au
- 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.)
- Community Early Learning Australia - CELA
- David Morphet