

Background

Cigarette smoke contains toxins and chemicals known to be detrimental to health. Because children generally breathe much more quickly than adults and their immune and respiratory systems are still developing, they are more at risk of such illnesses as asthma, chest and sensory infections, and Sudden Unexpected Death in Infancy (SUDI). In addition, children may not know nor have the physical ability to move away from cigarette smoke.

Research has also proven that drugs and alcohol impair judgment and awareness.

Adults are always to be role models for children in early childhood education and care services.

Policy statement

The Service provides a healthy and safe environment for children, employees, families and other visitors while on the premises i.e. the building, grounds and car parks.

Strategies and practices

- 'Fit for work' means that a workplace employee is in a state, physically, mentally and emotionally, that enables him/her to perform assigned tasks competently and in a manner that does not compromise or threaten his/her own safety or health or that of others. An employee is fit for work if they have a blood alcohol content of 0.00 and test negative for drug use, in accordance with the levels contained in this policy.

Smoking and Vaping

- **SMOKING AND VAPING ARE PROHIBITED** – Staff, parents, and all visitors are not permitted to smoke or vape on or adjacent to the premises or within sight of children, including car parks and entrance pathways.
- Vaping includes all electronic cigarettes (e-cigarettes), vape pens, or similar devices, regardless of nicotine content.
- Educators must not smoke or vape while wearing the Service uniform. If an educator wishes to smoke or vape during a rostered break, they must leave the premises and cover their uniform to minimise residual odour.
- No Smoking/Vaping signs are prominently displayed at all entry points and in foyer areas.
- Any employee or visitor found smoking or vaping in contravention of this policy will be asked to leave the premises immediately and may be subject to disciplinary procedures or denied future entry.

Drugs and Alcohol

- No alcohol or any unlawful substance is consumed in any part of the premises at any time.
- The **use, possession, or storage of vaping substances, devices, or paraphernalia** is strictly prohibited on the premises at all times, including during work breaks and in personal vehicles parked on Sunkids grounds.
- Prescription medications such as asthma preventatives and treatment, and paracetamol are acceptable, but will be managed in accordance with the Services [Administration of Medication](#)

Policy.

- As part of their duty of care to ensure a healthy and safe environment for children, the educators inform the Nominated Supervisor immediately of anyone on the premises that they suspect is affected by alcohol or drugs.
- Nominated Supervisors, to the best of their knowledge, are responsible for: -
 - a) Assessing the fitness for work of employees under their control while they are on duty.
 - b) Ensuring no illegal drugs or alcohol are used by an employee on duty or during a meal break.

The following will occur if an employee's performance suggests that they may be a risk through the presence of alcohol or other drugs: -

- The Nominated Supervisor must notify Sunkids management on each occasion.
 - A Fit for Work Observation Record will be completed by the Nominated Supervisor or delegated person.
 - The employee will be required to leave the workplace immediately. The employee must not return to work until they are able to demonstrate that they are fit for work. The cost of further testing to confirm fitness for work will be at the cost of the employee.
 - The Regulatory Authority is to be notified within 7 days of the Nominated Supervisor becoming aware of an educator's impaired capacity to supervise children or provide education and care. (s174(2)(c) and r175(2)(c))
- Each employee is responsible for: -
 - Ensuring they are not in an unfit state for any reason, including the adverse effects of alcohol or other drugs.
 - Notifying the Nominated Supervisor of any concerns that their fitness for work may be impaired.
 - Ensuring that any prescription or non-prescription medication is taken safely and not consumed with alcohol.
 - Raising any concerns about a person's fitness for work with the Nominated Supervisor or delegated person.
 - Notifying the Nominated Supervisor or other responsible person of any situation in which this policy may have been breached, including: -
 - Any situation in which other individuals are believed to be unfit for work
 - The unauthorised possession or consumption of alcohol or other drugs on site or during work
 - Any other apparent breach of the policy

All such information will be dealt with in strict confidence.

- Employees should be aware that rights to worker's compensation or a common law claim may be affected if they are involved in a work-related accident while under the influence of alcohol or drugs.

Alcohol

- An employee must not be under the influence of or be affected by alcohol while on duty. This means that all employees are expected to always have a 0.00 blood alcohol content they are required to undertake the duties and responsibilities associated with their contract of employment.

- If an employee has a blood alcohol content higher than 0.00 they will be considered unfit for work until such time as their Nominated Supervisor is satisfied that they are fit for work and they have a blood alcohol content of 0.00.
- The Regulatory Authority is to be notified within 7 days of the Nominated Supervisor becoming aware of an educator's impaired capacity to supervise children or provide education and care. (s174(2)(c) and r175(2)(c))
- Alcohol must not be consumed anywhere on Sunkids' premises or grounds during work time.
- Alcohol and alcoholic products are not to be kept anywhere on Sunkids' premises. If alcohol or alcoholic products are brought into the Service as a gift from families or other persons, the product must immediately be removed from the Service and locked in the receiving persons vehicle.
- If it is discovered that alcohol or alcoholic products are being kept on premises, they will be discarded in the Services external rubbish bins immediately by the Nominated Supervisor or Responsible Person.
- Families will be discouraged from bringing alcohol or alcoholic products into the Service as gifts for employees.
- An employee is prohibited from operating any equipment, including any motor vehicle, if they are under the influence of alcohol.
- The unauthorised possession or consumption of alcohol at the workplace will result in disciplinary action in accordance with this policy.

Drugs

- Employees must not consume or be under the influence of any unlawful drug anywhere on the Sunkids premises or grounds or while on duty. This means that employees are expected to return a negative urine test for all illicit drugs.
- An employee must not cultivate, sell, supply or have in their possession or control any unlawful drug or drug taking implements anywhere on Sunkids premises while on duty.
- The use, possession, cultivation, manufacturing and distribution of any unlawful drug is illegal. If Sunkids management becomes aware that you have or have had in your possession or control or are cultivating or supplying any unlawful drugs or drug taking implements on Sunkids premises or while on duty, Sunkids will notify the police and actively assist the police in their enquiries. The possession or consumption of any illegal drugs at the workplace may result in termination of employment.
- The Regulatory Authority is to be notified within 7 days of the Nominated Supervisor becoming aware of an educator's impaired capacity to supervise children or provide education and care. (s174(2)(c) and r175(2)(c))
- Any drugs prescribed by a medical practitioner must be used in accordance with medical advice.
- Any non-prescription drugs must be used in accordance with manufacturers recommendations. If any employee is taking prescription or non-prescription drugs which could cause drowsiness or otherwise affect their fitness for work, they must advise their Nominated Supervisor so that their ability to work safely can be monitored. If necessary, a medical opinion may be required.

Alcohol and Drug Testing Requirements and Procedures

- Testing procedures will be applied equitably to assist in the maintenance of a safe work and care environment. The curriculum aims to protect the privacy and confidentiality of the individual.
- Random testing for alcohol and other drugs may be carried out from time to time with or without notice at the discretion of Sunkids. Random testing may include every employee, particular employees or groups of employees randomly selected. The company selecting team, or an independent testing service may randomly select a work group by using a system agreed upon by the company. The time for random testing will be at the discretion of the selecting team. The date, time and work group selected will be kept confidential and no warning will be given.
- Testing may also be carried out where: -
 - An employee is involved in an accident or incident.
 - An employee displays unsafe behaviour or causes injury to another person or commits an act of negligence or carelessness or shows disregard for safety.
 - There is a reason to believe that an employee is affected by alcohol or drugs.
 - An employee who has previously tested positive is being monitored to ensure safe practice.
 - Evidence of alcohol or drug use at the workplace is discovered and the employee or employees concerned can be identified with reasonable certainty.
- Testing for Alcohol: -

A suitably trained and authorised person from an independent Testing Agency or an individual appointed by Sunkids Management who has been trained to use the testing equipment will undertake alcohol testing. Alcohol testing equipment will be tested and recalibrated according to the manufacturer's instructions and AS 3547-1997, or as amended and updated.

 - An employee who registers above 0.00% Breath Alcohol Content will be retested after 15 minutes and before 1 hour has elapsed. If the employee registers a level 0.00% they will stay at work.
 - If the Breath Alcohol Content level is still over 0.00% the employee will be offered transport home.
 - An employee who registers above 0.00% Breath Alcohol Content cannot be permitted to remain at work. If the employee refuses to take a taxi or other safe method of transport and elects to drive themselves, this is to be noted on the Random Selection List.
- Testing for Other Drugs – Urine Sample Collection for Drug Testing: -
 - If the urine test is positive the employee will be directed to the Nominated Supervisor and will be stood down.
 - An additional test of the urine sample will be carried out and this will take 2 days to return detailed results of the diagnostic testing of the sample.
 - The employee will be contacted after the results are received and advised of further action that the employer is taking regarding the outcome of the testing.
- Prescribed or Over the Counter Medications: -

If a workplace employee registers a positive result but has indicated to the tester that they are taking a prescribed or over the counter medication, which could have caused the test to give a false positive, the tester should: -

 - Advise the employee they are showing a positive result that is in line with the advice they have given relating to prescribed or over the counter medication.

- Advise the employee that their urine sample will be sent to an appropriately certified laboratory to confirm that the substance that is giving a positive result correlates with the prescribed or over the counter medication they have indicated.
- Conduct a 'fit for work' assessment and decide whether the employee should return to work or go home until the laboratory results are returned.
- If the laboratory results correlate with the information supplied by the employee no further action will be taken.
- If the laboratory results indicate the employee has used an illegal substance or a substance to mask another drug, the incident will be treated as a breach of policy and will constitute serious misconduct and involve disciplinary procedures.

Disciplinary Procedures

- Sunkids may take the following disciplinary action where an employee is found to be under the influence of alcohol or other drugs: -
 - Immediate termination
 - Warning
 - Final warning
- The appropriate disciplinary action will depend on the individual circumstances of each matter. In making this decision Sunkids will consider factors including, but not limited to: -
 - The seriousness of the employee's behaviour
 - The risk posed to the safety of the employee and others
 - Any previous breaches of this policy
- An employee who receives a warning will be counselled by their Nominated supervisor regarding: -
 - All Service policies relating to their fitness to work, and their obligations and responsibilities.
 - The serious and unacceptable nature of the person's behaviour.
 - The risk posed for safety of the employee and others.
 - The employee's responsibility to demonstrate that the problem has been effectively addressed.
 - The consequences for future breaches of the policy.
 - The reasons why the person has used alcohol or other drugs to the extent that they are in an unfit state.
- The employee will be advised that they may be monitored for a period to ensure that the problem has been addressed and that during this period they may be subject to periodic alcohol and drug testing.
- The employee will receive a written warning which will reflect the key points covered in this process. A copy of this will be placed on their personnel file.
- Employees will not be paid for the period for which they are unfit for work.
- An employee who receives a final written warning will be advised by the Nominated Supervisor and will be required to demonstrate that the threat to work performance and/or safety has been effectively addressed before they are permitted to return to work.
- The final written warning will have the effect that any further breaches of this policy may result in termination of their employment. A copy of the warning will be placed on their personnel file.

Additional safe practices for babies

- No additional practices are required.

Responsibilities of parents

- To refrain from smoking, **vaping**, or bringing alcohol, vaping products, or prohibited drugs onto or near the premises or within sight of children.
- To refrain from entering the premises while under the effects of alcohol or prohibited drugs.

Procedures and forms

- Fit for Work Observation Record
- Educators Acknowledgement form

Links to other policies

- Administration of Medication Policy
- Educator Professionalism, Ethics and Reflection Policy
- Enrolment and Orientation Policy
- Excursion and Incursions Policy
- Students, Volunteers and Visitors Policy

Links Education and Care Services National Regulations 2011, National Quality Standard 2018

Regs	82	Tobacco, drug and alcohol-free environment
QA	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
	7.1.3	Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service

Sources

- Education and Care Services National Regulations 2011
- Guide to the National Quality Standard 2018
- Red Nose. (2017). *Information Statement: Smoking*.
https://rednose.com.au/downloads/Smoking-Safe_Sleeping-Information_Statement_Nov_2017_WEB.pdf accessed 24 June 2025
- The Royal Children's Hospital Melbourne. (2011). *Kids Health Info: Smoking and your child*
https://www.rch.org.au/kidsinfo/fact_sheets/Smoking_and_your_child/ accessed 24 June 2025
- NQF Child Safety Changes From 1st September 2025 [NQF Child Safety Guides | ACECQA](#)

Further reading and useful websites

- Australian Cancer Research Foundation – <http://acrf.com.au/> accessed 24 June 2025
- National Health and Medical Research Council – <https://www.nhmrc.gov.au/health-advice/alcohol> accessed 24 June 2025
- Royal Children’s Hospital Melbourne – <http://www.rch.org.au/home/> accessed 24 June 2025

Policy Review

The Service encourages staff and parents to be actively involved in the annual 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 the Service’s commitment to quality improvement. The Service consults with relevant recognised authorities as part of the annual review to ensure the policy contents are consistent with current research and contemporary views on best practice.

Version Control

Version	Date Reviewed	Approved By	Comments/Amendments	Next Review Date
1	8 January 2018	Kaylene Harper	Updated to changed NQF requirements 1 February 2018.	January 2019
2	6 January 2019	Kaylene Harper	Reviewed policy. Accessed sources and further readings.	January 2020
3	3 February 2020	Kaylene Harper	Reviewed policy. Accessed sources and further readings.	February 2021
4	14 October 2020	Kaylene Harper	Reviewed policy. Accessed sources and further readings.	October 2021
5	15 February 2021	Kaylene Harper	Reviewed policy.	February 2022
6	15 March 2021	Kaylene Harper	Reviewed policy.	March 2022
7	22 September 2021	Kaylene Harper	Reviewed policy	September 2022
6	30 September 2022	Linda Hollard	Reviewed Policy Accessed sources	September 2023
7	24 August 2023	Grace McKinstry	Reviewed policy. Accessed sources and further readings.	August 2024
8	9 July 2024	Tiffany Boeske	Reviewed policy Accessed sources	July 2025
9	20 June 2025	Kaylene Harper	Inclusion in the 2025 revision cycle with the annotation noting the inclusion of NQF Child Safety Update 2025 updates and explicit vaping prohibition.	June 2026