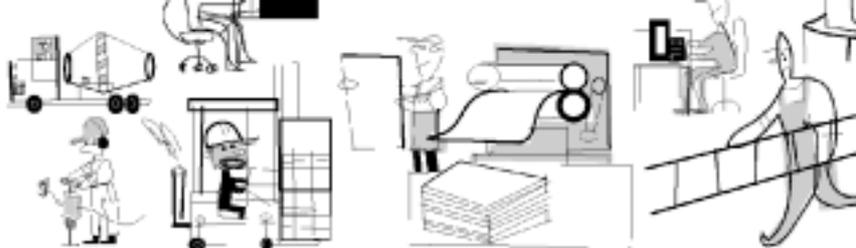




fact sheet



21 Jan 2003

Volunteers

Health and safety in the workplace

The Health and Safety in Employment Act aims to promote the health and safety of everyone at work and of other people in or around places of work. To achieve this, it requires people who are responsible for work and those who do the work to take steps to ensure their own health and safety and that of others.

The Act also recognises that employees have a valuable contribution in making workplaces safe.

Volunteers have coverage under the Act

The Act recognises that volunteers doing work activities for other persons should have their health and safety protected because their well-being and work are as important as the well-being and work of employees.

The coverage provided by the Act relating to volunteers can be summarised by saying that all volunteers are covered by the Act but there are only enforceable duties owed to volunteers who are employees in all but name.

Volunteers are defined

A person is defined as a "volunteer" under the HSE Act if that person *neither expects nor receives any reward* for the work.

Please note the definition of "volunteers" does not include those who are receiving training or gaining work experience.

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Volunteers, continued

Coverage of volunteers

The Act applies to all volunteers engaged in work activities

The Act encourages steps to be taken to keep volunteers safe. For some volunteer work activities, the Act places enforceable duties on employers, self-employed persons and to some extent, the volunteers themselves.

Volunteers are covered under the Act by enforceable duties when:

- (a) the volunteer is doing work for an 'employer' or a 'self-employed person' who has given *consent* to, or has *knowledge about*, the voluntary work; **and**
- (b) the volunteer does the work on an ongoing and regular basis for that employer or self employed person; **and**
- (c) the work is an integral part of the business of that employer or self employed person.

Some volunteers who meet the criteria above are nevertheless specifically excluded from coverage under the Act when they are involved in the following activities:

- participating in fundraising
- assisting with sports or recreation for
 - i a sports club; or
 - ii a recreation club; or
 - iii an educational institution
- assisting in activities for an educational institution offsite
- providing care for another person in the volunteer's home

For all uses of volunteers, the Act provides for a general duty of care. This duty provides that all practicable steps must be taken to ensure the health and safety of volunteers.

This would be achieved in particular by considering hazards when planning the work activity. If OSH became aware of a hazard, it would be required to notify the organiser and discuss how this could be managed.

While this general duty of care is not enforceable, it is the message that is important. All work activities should be planned and organised with health and safety in mind. All workers should be safe when performing work activities.

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Volunteers, continued

FAQs

Below are the answers to some frequently asked questions, which illustrate the application of the Act in relation to volunteers:

Q: How do I keep my volunteers safe?

A: The key to excellent health and safety management health and safety is good planning and good communication.

The Act sets out a number of steps that can be taken to help keep people safe. In particular, these steps focus on:

- providing and maintaining a safe working environment, particularly by identifying **hazards** and managing them
- providing and maintaining **facilities** for the health and safety of persons at work;
- ensuring that **plant**, machinery and equipment in the place of work is designed, made, set up, and maintained to be safe for persons at work;
- ensuring that **systems of work** do not lead to persons being exposed to hazards in or around their place of work;
- providing people with good information about the hazards that they may come across in their workplace;
- providing people with good training and supervision; and
- developing procedures for **dealing with emergencies** that might arise while persons are at work.

Q: Where can I get information to help me?

A: There are a number of good sources of assistance.

Any office of OSH can provide general information on workplace health and safety, which has the same application to volunteers as it does to employees. Any information that helps to keep employees safe will do the same for volunteers.

The Workinfo website www.workinfo.govt.nz contains a wide range of Fact Sheets, most of which have application to volunteers as well as employees.

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Volunteers, continued

Q: What are the enforceable duties?

A: The **obligations** on employers and self-employed persons (and volunteers themselves) **are limited** to the core obligations under the Act. Volunteers are covered by:

- sections 6-12 of the Act, which set out the general duty of employers to take all practicable steps to provide a safe working environment;
- section 19 of the Act, which sets out the duty on employees (and in this case, volunteers) to take all practicable steps to ensure their own safety and the safety of others at work;
- Part IV of the Act, which sets out the enforcement provisions, such as Improvement and Prohibition Notices

Obligations regarding training and supervision requirements and the employee participation obligations do not apply to volunteers.

Further information

This information is a guide only and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

For further information, call 0800 20 90 20.
