



## 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 people doing volunteer work should have their health and safety protected because their well-being and work are as important as that of the employees and paid workers they work alongside.

The Act provides for the health and safety of all volunteers, but enforceable duties are only owed to volunteers whose voluntary work is regular and ongoing, and the work that is performed is an integral part of the business.

### 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.

People receiving training or gaining work experience are not considered “volunteers” under the Act (but they are covered by other provisions).

### Coverage of volunteers

#### *The Act applies to certain volunteer work*

The Act encourages steps to be taken to keep volunteers safe. It also places enforceable duties on employers or self-employed persons who use certain types of volunteer labour on an ongoing basis, and on volunteers themselves to take reasonable care.

Some types of volunteers are excluded from coverage of the Act. Voluntary work activities that are excluded are:

- Participation in fundraising activities
- Assistance with sports and recreation for a sports club, recreation club or education institution;
- Assistance with activities for an education institution outside the premises of that institution
- Providing care for another person in a volunteer’s home.

### Enforceable duties

Volunteers are considered “employees” for the purposes of the Act 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**
- a. the volunteer does the work on an ongoing and regular basis for that employer or self-employed person; **and**
- b. the work is an integral part of the business of that employer or self-employed person.

In these cases most of the duties of an employer apply (see below), and they are enforceable.

### Exemptions

Volunteers who meet the criteria above are nevertheless excluded from coverage when they are involved in the following activities:

- participating in fundraising
- assisting with sports or recreation for:
  1. a sports club; or
  2. a recreation club; or
  3. an educational institution
- assisting in activities for an educational institution offsite
- providing care for another person in the volunteer’s home

### The general duty

For all other organisers of volunteer labour, the Act provides for a general duty of care. This duty provides that the person for whom the volunteer is doing the work activity must take all practicable steps to ensure the health and safety of the volunteer.

While this general duty of care is not enforceable, it is the message that is important.

It requires the person or organisation using volunteers to consider hazards when planning and organising their work. All work activities should be planned and organised with health and safety in mind. All workers should be safe when performing work activities.



## FAQs

Below are some frequently asked questions on the HSE Act's coverage of 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 information about the hazards that they may come across in their workplace;
- providing people with 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.

The Department of Labour can provide general information on workplace health and safety, much of which is as applicable to volunteers as it is to employees.

Any information that helps to keep employees safe will do the same for volunteers.

The Department of Labour website [www.osh.dol.govt.nz](http://www.osh.dol.govt.nz) contains a wide range of Fact Sheets and frequently asked questions, many of which have application to volunteers as well as employees.

### **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 duties 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 through their actions or inactions;
- 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 or visiting the Department of Labour website at [www.dol.govt.nz](http://www.dol.govt.nz)