

Meeting Notes from Tautoko Network Meeting

January 2023

Lessons from Gloriavale: Employee or Volunteer

Thanks to those who attended our first *Tautoko Network: Supporting the Community Sector* session for 2023! We are grateful for the ongoing support of Community Law which this year kicked off our annual programme with 'Lessons from Gloriavale: Employee or Volunteer'.

To sum up the session, here are some factors that could be considered when we ask ourselves the question - is this person an employee or a volunteer?

- Don't assume everyone has the same understanding of words such as 'intern' 'volunteer'. That means that if your Board agree that internships are voluntary positions, the conversations with incumbents for those positions should make clear that the roles are unpaid, and this should be followed-up with same advice in an email.
- Have a written volunteer agreement which states that the role is unpaid. Ask the volunteer/intern to sign the agreement; AND scan and email a copy of that signed agreement back to the person. (Volunteer agreements - we can't stress enough what an important document this is and how it should be one in your volunteer management toolbox - check out the February 2020 notes from a previous Tautoko session on this subject on the Volunteering Canterbury website: www.volcan.org.nz/resources.)
- Be consistent in **all** paperwork around unpaid staff ... that it is unpaid.
- Offer volunteers a choice of what they are to do - be flexible with roles and rosters wherever you can be.
- Volunteer also undertaking some paid work within your organisation? Take particular care with written records - these roles should have separate agreements.
- Be careful - if the volunteer is undertaking a role which creates income for your organisation, those agreements should be checked by a lawyer.
- Don't let roles 'drift' - that means, change in terms of the tasks to be undertaken or the hours spent doing those tasks.

- Yes, you can make occasional or token acknowledgements to your volunteers. However, don't pay or provide regular benefits of any kind based on hours worked.
- Reimbursement should be based on actual expenses.

The best place to monitor this issue is Employment NZ, which updates its website whenever the law changes. Here's a link to get you started: <https://www.employment.govt.nz/starting-employment/who-is-an-employee/volunteers/>.