

HEALTH AND SAFETY AT WORK ACT 2015

INFORMATION FOR THE EDUCATION SECTOR | MARCH 2017

TOPIC 1 | PART 3

Leadership

Volunteer Associations and Volunteers

THE HEALTH AND SAFETY AT WORK ACT CAME INTO EFFECT ON 4 APRIL 2016. IT MAKES THE HEALTH AND SAFETY OF WORKERS AND WORKPLACES A PRIORITY.

This series of guides provides general information for the Education sector about the different elements of an effective health and safety system.

In these guides, “Boards/ ECEs” refers to school Boards of Trustees, early childhood education (ECE) services and kōhanga reo as entities that meet the definition of Person Conducting a Business or Undertaking (PCBU) under the Act.

These guides draw on information published by WorkSafe New Zealand and the Ministry of Business, Innovation and Employment. To keep fully informed about your health and safety obligations, visit WorkSafe’s website: <http://www.business.govt.nz/worksafe/hswa>

The Health and Safety at Work Act recognises that volunteer organisations and volunteers contribute greatly to New Zealand communities, including schools and ECE services. This factsheet looks at volunteer associations and how they differ from volunteer organisations. It also explains the differences between volunteer workers and other volunteers.

What are volunteer associations?

An organisation where volunteers work together for community purposes and which does not have any employees is known as a **volunteer association** under the Act.

A volunteer association is not a PCBU so the obligations in the Act will not apply to it. In the ECE sector, for example, playgroups that do not employ any staff will be classed as voluntary associations, so the Act will not apply to them.

However, **a volunteer organisation that has one or more employees is a PCBU and will have the same duties as a PCBU** to ensure, so far as reasonably practicable, the health and safety of its workers and others.

Who are volunteer workers?

Volunteer workers are people who regularly work for a school or ECE service with their consent **on an ongoing basis** and **are an integral part of the school’s or ECE service’s operations**.

Examples of volunteer workers in schools and ECE services include but are not limited to:

SCHOOLS	ECE SERVICES
<ul style="list-style-type: none">» rostered parent helpers, including<ul style="list-style-type: none">• reading tutors• school canteen helpers• library helpers	<ul style="list-style-type: none">» Playcentre duty team» rostered parent helpers

Who are other volunteers?

Unlike volunteer workers, **other volunteers do not carry out work on an ongoing and regular basis for a school or ECE service** and they are **not integral** to the school's or ECE service's operations.

The Act also classifies volunteers who do the following activities as other volunteers (even if they do it regularly and on an ongoing basis):

- » participating in a **fundraising activity** for a school or ECE service
- » assisting with **sports or recreation** for a school or ECE service
- » assisting with **activities for a school or ECE service outside the premises or grounds** of the school (e.g. Education Outside The Classroom (EOTC) activities, school camps, excursions, etc)

What is the Board/ECE's duty to volunteer workers?

Boards/ECEs have a **duty to ensure**, so far as reasonably practicable, the **health and safety of volunteer workers** as if they were any other worker.

Boards/ECEs must ensure that volunteer workers have the **appropriate training, instruction or supervision** they need to undertake their work safely.

However, volunteer workers are excluded from the worker participation and engagement requirements of the Act.

What is the Board/ECE's duty to other volunteers?

Other volunteers come under the "other persons" category in the Act.

Boards/ECEs have a **duty to other volunteers and other persons in the workplace** (such as students or visitors), to **ensure that their health and safety is not put at risk** from the school's or ECE service's work.

What is the duty of volunteers?

Volunteer workers and other volunteers have the **same duties as workers and other persons respectively**. These duties are to:

- » take reasonable care for their own health and safety
- » take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
- » comply, as far as reasonably able, with any reasonable instruction that is given to them by the Board/ECE to allow the Board/ECE to comply with the law
- » cooperate with any reasonable policy or procedure of the Board/ECE relating to health or safety at the workplace that has been notified to workers (note this applies to **volunteer workers only**)

Need further guidance on volunteer associations, volunteer workers and other volunteers?



<http://www.worksafe.govt.nz/worksafe/information-guidance/all-guidance-items/position-statements/documents/health-and-safety-of-volunteers-at-work.pdf/view>