



FAQs for Volunteer Involving Organisations

Volunteering is time willingly given for the common good and without financial gain. Volunteers are not employees and don't have to be paid.

This guide provides some considerations to make when engaging volunteers in your organisation.

What laws apply to volunteers?

Volunteers are covered under legislation for bullying, privacy, protection from liability, and work health and safety (WHS). Laws may vary by state or territory.

What is the difference between volunteers and employees?

Understanding the difference between paid and unpaid work is important because legal entitlements and obligations can vary. Paid and unpaid work is governed by the Fair Work Ombudsman, with volunteering being one form of unpaid work.

As with work experience and internship arrangements, all relevant factors must be considered to determine whether a person is a genuine volunteer or whether, in fact, an employment relationship exists even though the worker is called a 'volunteer'.

Key characteristics of a genuine volunteering arrangement include:

- the parties did not intend to create a legally binding employment relationship
- the volunteer is under no obligation to attend the workplace or perform work
- the volunteer doesn't expect to be paid for their work.

The more formalised that volunteer work arrangements become (for instance if the volunteer is expected to work according to a regular roster) the greater the possibility that an employment relationship will be found. It is less likely that an employment relationship will be found to exist where the volunteer work is undertaken for selfless purposes or for furthering a particular belief in the not-for-profit sector.

Can our organisation engage young volunteers?

Generally, age isn't a barrier to volunteering, but some organisations have restrictions on volunteers under the age of 18. These restrictions usually depend on the roles that volunteers are undertaking and any associated risk. Lower age limits may also be dictated by your organisation's volunteer



insurance. If your organisation involves young volunteers, you should ensure that the tasks are suitable for their age and that they are adequately supervised.

Some other considerations include:

- Does your organisation have policies and procedures around having under 18's in the workplace?
- Does your insurance provider have age restrictions in place for the designated work and are there special considerations for volunteers under or over the insurer's age limit?
- Consider parent/guardian consent to volunteering and include media release forms, being transported in a vehicle etc.

What insurance do we need?

Volunteers are not usually covered by workers compensation laws, and this could severely impact them if they are injured or fall ill while volunteering. We recommend that all volunteer involving organisations have adequate insurance in place to protect their volunteers. This means checking that existing policies, like public liability policies, extend to volunteers.

There are four main types of insurance that organisations most frequently purchase to provide protection to the organisation, their volunteers and the community:

- **Public Liability Insurance**
To cover an organisation for its legal liability to third parties for personal injury or property damage caused by an occurrence in connection with the insured organisations business activities.
- **Volunteer Workers Personal Accident Insurance**
To cover volunteers for any out-of-pocket expenses following accidental injury, disability or death while carrying out their work on behalf of the organisation. This type of insurance would normally cover loss of income.
- **Directors' and Officers' Liability**
To compensate committee members and office bearers for loss, for example, legal costs where they have committed a wrongful act in the running of the organisation.
- **Professional Indemnity Insurance**
To compensate the organisation for loss incurred through a claim made against the organisation for breach of professional duty arising from negligence, errors, omissions, defamation, loss of records or documents, dishonest acts etc by volunteer or paid staff.

For more information on insurance, contact your insurance provider or the WorkCover Authority in your state/territory.



Where can we find information about WHS for volunteers?

The harmonised WHS laws in Australia require that organisations that employ paid workers ensure, so far as is reasonably practicable, the physical and mental health and safety of its workers. **The law also recognises volunteers as workers.** This means that your organisation must provide the same protections to its volunteers as it does to its paid workers.

The duties of organisations include:

- For younger volunteers, consider parent/guardian consent and safe transport to and from your practice
- The provision and maintenance of a work environment without risks to health and safety
- The safe use, handling and storage of equipment and substances
- The provision of adequate facilities for the welfare at work of workers, including volunteers, (e.g. toilets, first aid facilities)
- The provision of information, training and instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from their work.

For further information on WHS obligations for volunteer involving organisations, click the link below, or check your state-based WorkCover authority.

https://www.safeworkaustralia.gov.au/system/files/documents/1702/volunteer_organisations_guide.pdf

Should we pay our volunteers?

While volunteers are not employees and should not expect to be paid, it is considered best practice for volunteer involving organisations to reimburse their volunteers for pre-approved out-of-pocket expenses incurred over the course of their volunteering role.

According to the National Standards for Volunteer Involvement, the level of what may constitute fair and reasonable expenses will differ based on the context of the volunteer's role and would need to be negotiated and agreed upon in advance. It is up to each volunteer involving organisation to set their own policies and procedures on reimbursement, and to communicate these clearly to all volunteers.



What are the National Standards for Volunteer Involvement?

The National Standards for Volunteer Involvement (2015) were developed by Volunteering Australia in consultation with the volunteering sector and are recommended as a best-practice guide for volunteer involvement.

<https://www.volunteeringaustralia.org/resources/national-standards-and-supporting-material/#/>

For more information and support, please contact the friendly team at
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