



# A Guide to Work Health and Safety for Volunteers

Guidance material

---

# Contents

<b>Contents .....</b>	<b>2</b>
<b>Introduction.....</b>	<b>3</b>
<b>1. Who has duties under the WHS laws?.....</b>	<b>4</b>
1.1.    Organisations and their duties .....	4
1.2.    Volunteers and their duties.....	5
<b>2. What activities are covered by the model WHS laws?.....</b>	<b>6</b>
<b>3. What does the organisation you volunteer for need to do?.....</b>	<b>7</b>
3.1.    Talking about safety .....	8
<b>4. What do you need to do as a volunteer worker? .....</b>	<b>10</b>
4.1.    Volunteers and prosecution .....	10
4.2.    What to do if something happens .....	11
<b>5. Volunteer Officers .....</b>	<b>13</b>
5.1.    Duties of volunteer officers .....	13
5.2.    Prosecution of volunteer officers .....	14
<b>6. Volunteering from a home .....</b>	<b>15</b>
6.1.    Your home as a workplace .....	15
6.2.    Volunteering in other people's homes.....	15
<b>7. Emergency Service Volunteers .....</b>	<b>16</b>
7.1.    Emergency Service volunteers and 'officers' .....	16
7.2.    Is an 'incident controller' an officer?.....	16
<b>8. Bullying harassment and discrimination.....</b>	<b>17</b>
<b>9. Other laws.....</b>	<b>18</b>
<b>10. Checklist .....</b>	<b>19</b>

# Introduction

Everyone has a right to be safe at work, including volunteers. Volunteers play a vital role in communities across Australia and make significant contributions by carrying out unpaid work for a variety of organisations every day.

This guide provides information on how the model work health and safety (WHS) laws apply to volunteers, their rights and obligations. It outlines ways volunteer can meet their WHS duties and explains what volunteers can expect from the organisations they volunteer for.

The model WHS laws have been implemented in all jurisdictions except Victoria and Western Australia. For information on the laws in your jurisdiction see [Safe Work Australia's website](#).

# 1. Who has duties under the WHS laws?

## 1.1. Organisations and their duties

Most organisations that carry out work have duties as a person conducting a business or undertaking (PCBU) under the model WHS laws. But volunteer associations do not have those duties. Volunteer associations are groups that are made up entirely of volunteers and none of the volunteers or the association itself employs any paid workers to carry out work for the association. If you volunteer for a group like this then you also do not have duties under the model WHS laws.

The model WHS laws require organisations that employ any paid workers to ensure, so far as is reasonably practicable, the physical and mental health and safety of all of its workers, including volunteers. This means that volunteers are owed the same duties as all other workers.

This guidance refers to the various types of organisations that owe duties to volunteers under the model WHS laws simply as ‘organisations’.

Use the flow chart below to find out if you or the organisation owes health and safety duties.



**Example 1 – volunteering for a volunteer association:**

Sally has been elected treasurer of the local historical society. The historical society was established in 1982 and is run by a group of volunteers. The society meets on a regular basis. Occasionally the society pays a handy man to maintain the building that was donated to them. The handy man isn't employed by any of the members of the society.

As the group of volunteers do not employ any people and they all work together for a community purpose they are a volunteer association. This means that Sally and the historical society do not have any duties under the model WHS Act.

**Example 2 – volunteering for a PCBU:**

Sally has been appointed treasurer of the local historical society. The historical society was established and incorporated in 1982 and is run by paid employees and volunteers. The society employs a person to handle the accounts and another person to run the office on a part-time basis. As the society employs people it owes duties as a PCBU under the model WHS Act. It also means that Sally has duties as a worker under the model WHS Act.

## 1.2. Volunteers and their duties

Under the model WHS Act you are a volunteer if you are working without payment or financial reward (but you may be receiving out-of-pocket expenses) for an organisation that also engages paid workers.

If you are a volunteer under the model WHS Act you are also a worker. This means that the organisation you volunteer for must provide you the same protections as its paid workers. As a worker you also have duties under the model WHS Act.

## 2. What activities are covered by the model WHS laws?

Just as volunteer associations do not have duties under the model WHS Act some activities are also not covered by the model WHS laws. Activities that are purely domestic, social, recreational or private in nature would not be considered work and therefore are unlikely to be covered by the model WHS Act.

Activities that may be considered work include:

- maintenance of the things needed to enable an organisation to carry out its work, for example maintenance work on a hall where a volunteer group meets, or
- activities that people are ordinarily paid to do but are carried out for the organisation by a volunteer, for instance, driving clients to appointments
- activities that the organisation has a great degree of direction or influence over, or
- activities carried out in accordance with formal or structured arrangements.

If you are unsure about whether or not the volunteer work you do is covered by the model WHS Act, talk to the organisation you volunteer for.

### 3. What does the organisation you volunteer for need to do?

If the organisation you volunteer for is covered by the model WHS Act, it must ensure, so far as is reasonably practicable, the health and safety of all of its workers, including volunteers. This means that you, as a volunteer, must be provided the same protections as an organisation's paid workers. This protection covers your physical safety as well as your mental health at work.

This duty on an organisation is qualified by 'so far as is reasonably practicable'. This means the organisation does not have to guarantee that no harm will occur but must do what is reasonably able to be done to ensure your health and safety.

Other factors that will be taken into account in determining what the organisation is required to do to keep you safe when you are volunteering are:

- the type of organisation you work for – for example not for profit
- the type of work you carry out
- the nature of the risks associated with that work and the likelihood of injury or illness occurring
- what can be done to eliminate or minimise those risks, and
- the location or environment where the work is carried out.

For example, to meet its duty the organisation might provide you with:

- training, information and instructions on how to do your work safely
- personal protective equipment
- first aid facilities or training, and
- information on emergency procedures, how to report hazards and incidents.

Another thing the organisation you volunteer for must do as part of their duty is simply to talk to you about WHS.

#### **Example:**

John volunteers for a health organisation. He drives clients to and from medical appointments in his own car. There is a risk that John could be involved in a car accident while he is volunteering. The organisation he volunteers for cannot completely eliminate that risk but they do a range of things to help minimise it. The organisation:

- checks that John has a current drivers licence
- confirms that John's car is properly maintained and currently insured and registered
- provides John with its 'Transporting Clients Policy' and safe procedure training before he begins volunteering, and
- checks that John understands that the 'Transporting Clients Policy' requires that John and any client passengers comply with the road rules of the state they operate, including wearing a seat belt.

By doing these things the organisation has done what is reasonably practicable to ensure John and the client are safe.

## 3.1. Talking about safety

The organisation you volunteer for must talk or otherwise consult with you about WHS matters that affect you. This includes talking to you about potential hazards associated with your work and how the organisation is protecting you from harm.

Consultation must include giving you the opportunity to provide ideas about how to make you and others as safe as possible when you are volunteering. There is no ‘one right way’ to talk about WHS but how organisations do it will depend on the size of the organisation, the type of work that is carried out and the engagement arrangements of workers. If the organisation you volunteer for currently talks to you about WHS and you are happy with the way it is working, that’s great! Things can keep going the way they are.

The organisation you volunteer for must talk or otherwise consult with you about WHS matters that affect you. This includes talking to you about potential hazards associated with your work and how the organisation is protecting you from harm.

Consultation must include giving you the opportunity to provide ideas about how to make you and others as safe as possible when you are volunteering. There is no ‘one right way’ to talk about WHS but how organisations do it will depend on the size of the organisation, the type of work that is carried out and the engagement arrangements of workers. If the organisation you volunteer for currently talks to you about WHS and you are happy with the way it is working, that’s great! Things can keep going the way they are.

Ways consultation can occur include:

- sending out regular newsletters via mail, email or an app which feature WHS news, information and updates
- regularly updating the volunteer sections of notice boards, websites or an app with information, including the organisation’s latest safe work policies and procedures
- having a ‘suggestions’ email box for you to send suggestions to about ways to work safely and other matters
- holding regular meetings to discuss the work that you do and how to do it in the safest way. These can be held online or via teleconference,
- holding short ‘toolbox talks’ where specific health and safety topics relevant to the task at hand are discussed, or liaising with work groups via health and safety representatives, if workers request this.

The organisation should talk to you regularly about doing your work safely. They should also let you know what to do and who to contact if something happens when you are volunteering or if you have a suggestion about how to do your work more safely.

If you notice a health and safety matter that needs fixing you should raise it with your manager or supervisor. You should work together to find an effective solution.

If the WHS matter cannot be resolved by talking about it with all involved parties then the organisation you volunteer for needs to follow the issue resolution process you and the organisation has agreed to or if there is no agreed process, the default issue resolution process set up under the model WHS regulations.

**Example:**

Sophie starts volunteering at a local health organisation. On her first day the person who manages the volunteer program in the organisation talks to Sophie about a number of things including:

- the work she will be doing
- how to do her work safely
- the policies, practices and procedures the organisation has that workers, including volunteers, use
- the organisation's WHS suggestion email box and webpage for workers, including volunteers, and
- who to contact if something that affects health and safety happens at work.

Sophie's manager gives her copies of the work policies, practices and procedures. Sophie also attends a half day training course on how to use the machinery she will need to operate when she volunteers.

One month after Sophie starts at the organisation her manager holds a meeting of volunteers. The manager announces that one of the safe work policies is being revised and asks volunteers to suggest improvements to the policy. Sophie looks over the policy and talks to other volunteers about the changes. Sophie doesn't have any suggestions for inclusion in the policy but other volunteers submit ideas to the email box for consideration by their manager. When the policy is finalised a notice is published on the staff and volunteer section of the organisation website.

The organisation Sophie volunteers for talks to its workers and volunteers on a regular basis about WHS. The way that the organisation consults with workers works well so they keep going that way.

# 4. What do you need to do as a volunteer worker?

The organisation you volunteer for must make sure you are as safe as possible while you are volunteering, but as a volunteer you must:

- take reasonable care for your own health and safety
- take reasonable care to ensure you don't affect the health and safety of others
- carry out your tasks in a safe way
- follow the reasonable WHS instructions given to you by the organisation you volunteer for
- co-operate with the reasonable policies and procedures of the organisation you volunteer for that relate to WHS.

Essentially, what is reasonable care would be what a reasonable person would do in the circumstances considering things like:

- your knowledge
- your role
- yours skills and the resources available to you
- your qualifications
- the information that you have
- the consequences to health and safety of a failure to act in the circumstances.

Other ways of making sure you take reasonable care are:

- carrying out activities within the role you have been assigned
- not carrying out activities that you do not have the skills to undertake
- to not do anything that would seem to be unsafe.

Some examples of the things you can do to meet your WHS duty include:

- reading, understanding and cooperating with the policies and procedures provided to you by the organisation you volunteer for
- if your organisation asks you about a work procedure they are changing or developing, provide them with your ideas about how to do the work safely
- if you are tired and your volunteer work involves driving, call the organisation and say that you are unable to volunteer today
- if you are driving a client around in a car, ensure that you and your client wear your seatbelts and obey the road rules
- if you are teaching someone to ride a bike, make sure they wear a helmet and sturdy shoes.

Taking reasonable care is not hard. Just do the things outlined above and talk to your managers if you have any concerns about your health and safety or that of others in relation to your work.

## 4.1. Volunteers and prosecution

If you do the things explained on this page when you are volunteering, you cannot be fined or prosecuted under the model WHS Act.

Prosecutions against workers including volunteers is rare and only in relation to serious incidents where there was a high degree of recklessness or negligence.

**Example:**

Sam begins his first shift volunteering at a local adventure club. On his first shift Sam is told by other volunteers that he must go through an initiation of being locked in an overheated steam room for as long as he can handle. Sam tells the other volunteers that he has a medical condition and that the initiation may seriously hurt him. The other volunteers tease Sam until he gives in. Sam goes into the steam room. The other volunteers lock the door and turn the heat up. Sam becomes very distressed and passes out in the steam room.

The team leader of the volunteers finds out what is happening and knows that the organisation has strict policies prohibiting this kind of behaviour. The team leader rushes to the steam room and lets Sam out of the room immediately. The team leader attends to Sam, providing him with the first aid that he needs. The team leader reports the incident to the organisation as soon as he is able.

In this case, it appears that:

- the organisation took all reasonable steps to try to prevent these types of initiations. So it is unlikely it will be prosecuted for not complying with its WHS duties.
- because the team leader took reasonable care and did not ignore what was happening but acted within his role as team leader he has complied with his duty as a worker. It is extremely unlikely then that the team leader will be prosecuted for not complying with their worker duties under the model WHS Act.
- there is a chance that the volunteers who locked Sam in the steam room may be prosecuted for failing to meet their duty as workers under the model WHS Act to take reasonable care that their actions or omissions do not adversely affect the health and safety of others. The volunteers are clearly personally responsible because they actively took part in actions that endangered Sam's health. They could also be prosecuted under other laws.

## 4.2. What to do if something happens

If, when you are volunteering, you or someone else is:

- seriously injured,
- becomes seriously ill, or
- is exposed to a serious risk to their health and safety because a dangerous incident occurs

you need to let the organisation you volunteer for know as soon as possible. This may be as easy as telling your supervisor or manager. You also need to let your organisation know if there are any dangerous incidents, including near misses even where no one was injured. A dangerous incident occurs when a person is exposed to a serious risk to their health or safety resulting from an immediate or imminent exposure to risks such as an uncontrolled escape, spillage or leakage of a substance, an electric shock, a fall from a height or the collapse of a structure.

Under the model WHS Act these types of incidents, as well as workplace fatalities, are known as 'notifiable incidents'.

The organisation you volunteer for is required to let the WHS regulator in your state or territory know if any notifiable incidents occur as a result of the work of the organisation. The organisation needs to notify the regulator as soon as they are reasonably able.

If something happens that is not as serious as a notifiable incident you should still let the organisation know. They may even have a policy requiring you to report these things. Also talking about less serious incidents with the organisation you volunteer for may help to prevent more serious incidents from happening in the future.

# 5. Volunteer Officers

Some volunteers may sit on the board of an organisation or be in a role where they make, or participate in making, decisions that affect the whole or a substantial part of the organisation they volunteer for. The decisions they make may also have the capacity to significantly affect the organisation's financial standing. Only if a volunteer makes, or participates in making, these kinds of decisions are they an 'officer' under the model WHS Act .

An officer is determined by the influential nature of their role in making decisions within the organisation, not because of a title they may assume for example, first aid officer, health and safety officer or administrative officer.

## 5.1. Duties of volunteer officers

If you are a volunteer officer you must exercise due diligence to ensure that the organisation complies with its health and safety duties. This means that you must ensure that the organisation has appropriate systems of work in place and you must actively monitor and evaluate health and safety management within the organisation.

Exercising due diligence as an officer also means that you must take the reasonable steps outlined below:

- Continuously learn about and keep up to date with WHS matters. For example, learn what the model WHS Act requires and the strategies and processes for elimination or minimisation of hazards and risks so far as is reasonably practicable.
- Have an understanding of the nature of the work the organisation does and stay aware of the hazards and risks workers and volunteers may face when working for the organisation. For example, advice from a suitably qualified person may be required to gain a general understanding of the hazards and risks associated with the operations of the organisation.
- Ensure and verify that the organisation has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety. For example, this requires you to have an understanding of what is needed for health and safety, making decisions about procedures and resources and ensuring they are used.
- Ensure and verify the organisation has processes in place for communicating and considering information regarding WHS and responding to that information. This should include the reporting of incidents and emerging hazards and risks, identifying if action is required to eliminate or minimise the hazards or risks so far as is reasonably practicable.
- Ensure and verify the organisation has, and implements, processes for complying with any duties and requirements under the model WHS laws.

Officers might fulfil their duties by doing things like:

- talking about WHS matters at board meetings
- making sure there is ongoing consultation with volunteers and other workers about WHS issues
- asking about the organisations safety procedures and checking that they help the organisation meet its WHS duties
- finding out about and remaining aware of what workers, including volunteers, do within the organisation and the dangers they might face at work
- seeking advice about specific WHS issues,

- keeping up to date with WHS developments and best practice relevant to the organisation.

## 5.2. Prosecution of volunteer officers

A volunteer officer cannot be prosecuted for failing to comply with their officer duties under the model WHS laws. This immunity for volunteer officers is designed to ensure that voluntary participation at the officer level is not discouraged. A volunteer officer can however be prosecuted in their capacity as a worker if they do not take reasonable care as a worker.

**Example:**

Bill volunteers as a member of the board of a charity. He attends board meetings on a monthly basis. At these meetings, board members often make decisions that affect the whole or a substantial part of the charity. They can include decisions about:

- how funding will be allocated and spent
- how many volunteers will be working at any one time at the charity's store, and
- policies and procedures used by workers, including volunteers, of the charity.

Because the decisions that Bill helps to make affect all of or a substantial part of the charity he is considered an officer of the organisation and so is required under the model WHS Act to exercise due diligence.

Bill attends a board meeting in May. At this meeting board members discuss and agree on a training module which all volunteers will be put through before they begin volunteering.

As part of exercising due diligence Bill:

- understands that the charity has WHS duties under the model WHS Act
- ensures that the training module covers topics relevant to the work the charity's volunteers and workers do
- agrees with other board members that the training module must be evaluated and reviewed, if required, once every three years
- checks that the charity has other policies and procedures which work well in covering other aspects of work that volunteers and workers do.

As a volunteer officer, Bill cannot be prosecuted for failing to exercise due diligence. However, it is in the best interest of the charity for Bill to exercise due diligence. Because of his position within the organisation, Bill is also considered to be a worker and needs to comply with his worker duties under the model WHS Act.

# 6. Volunteering from a home

As a volunteer you may carry out work for an organisation from your own home. If this is the case, you still have a duty as a volunteer worker under the model WHS Act when carrying out your volunteer work.

## 6.1. Your home as a workplace

If you do volunteer work from your own home the organisation you volunteer for does not own, control or manage the place that you are working from. This means that they have a limited ability to ensure your health and safety when at work. They must still comply with their duty to ensure your health and safety but what is reasonably practicable for them to do will be different if you work in a workplace that they have control over.

To meet their duty they might give you information or advice about how to set up a workstation and ensure you have all the equipment you need to do the work you are assigned. Similarly to when you work in another private home, they might ask you questions about your home to gather enough information so that any instructions they provide to address the relevant risks to your health and safety are appropriate and practical to your situation.

You still need to:

- take reasonable care of your own health and safety, ensure that what you are doing for the organisation does not affect others, and
- follow the reasonable instructions and policies and procedures of the organisation.

If you are doing volunteer work at your home and other volunteers will be working there with you, you also need to make sure your home is safe for them to come into. This is the same common law, day-to day-duty you have with any visitor who comes to your home.

## 6.2. Volunteering in other people's homes

You might carry out volunteer work in other people's homes. If this is the case, the organisation you volunteer for should provide you with information about the home you will be visiting before you go there. The organisation might tell you about specific hazards to be aware of in the home, for example there may be a dog in the yard or the stairs might be particularly steep.

If you visit a number of homes it may not be reasonably practicable for them to provide you information about specific hazards in each home, but you should be given information about the types of hazards that you might come across including the potential to be exposed to aggressive or violent situations.

The organisation should always provide you with any other information that you need to carry out your volunteer work safely.

It is not a requirement that two volunteers attend a home to carry out work for an organisation at any time however the organisation you volunteer for may ask you to do so as a way of better ensuring your health and safety.

# 7. Emergency Service Volunteers

If you volunteer for an emergency service organisation you have the same duties as any other volunteer under the model WHS Act. You must:

- take reasonable care for your own health and safety
- ensure, so far as you are reasonably able, that your actions don't affect the health and safety of others
- comply, so far as you are able, with reasonable instructions about WHS given to you by the organisation, and
- co-operate with reasonable policies and procedures given to you by the organisation that you volunteer for.

## 7.1. Emergency Service volunteers and ‘officers’

An officer under the model WHS Act does not mean someone who is called an officer because of their rank or title, for example First Aid Officer. Under the model WHS laws officers are people that make, or participate in making, decisions that affect the whole, or a substantial part of, an organisation and its financial standing.

## 7.2. Is an ‘incident controller’ an officer?

Although incident controllers may direct particular response operations, they do not generally make, or participate in making, the key decisions which affect the whole or a substantial part of an organisation or on how the organisation operates.

Therefore, it is unlikely that an incident controller would be an officer under the model WHS Act.

## 8. Bullying harassment and discrimination

The organisation you volunteer must put in place measures to address workplace bullying, stress and harassment. Workers, including volunteers, also have a duty to ensure that their actions do not constitute a risk to their own health and safety or that of other people in the workplace.

Bullying in the workplace is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Some examples of workplace bullying include abusive or offensive language or comments, aggressive and intimidating behaviour, belittling or humiliating comments, practical jokes or initiation and unjustified criticism or complaints.

If you feel you are being bullied or harassed when volunteering and you don't feel you can raise it with your supervisor or manager, you can contact your state or territory regulator for information and advice. [WHS regulator](#) contact details are available on this website.

You may also be covered by the national workplace bullying laws. See the [Fair Work Commission's website](#) for further information.

The model WHS Act also expressly prohibits the discrimination or unfair treatment of workers, including volunteers, because they have raised a WHS concern. A person found to be engaging in this type of discrimination may be liable to criminal penalties.

## 9. Other laws

When you are volunteering there are other laws that you or your organisation must comply with or that offer you protections. You should seek further advice from your organisation or relevant government body. You can also seek further information on volunteering from a [volunteer peak body](#) in your state or territory.

**Workplace relations laws** – The [Fair Work Ombudsman website](#) has information on when an arrangement between a person and an organisation is a volunteer arrangement as oppose to an employment relationship.

**Anti-discrimination laws** - state, territory and Commonwealth anti-discrimination laws prohibit discrimination of a person because of that person's attributes. The [Australian Human Rights Commission](#) provides information about Commonwealth anti-discrimination laws and links to the websites of [State and Territory anti-discrimination bodies](#).

**Workers compensation, insurance and civil liability**- Organisations should have appropriate insurance that adequately covers its workers including volunteers and the activities they carry out when volunteering. Organisations will be liable to pay any compensation for personal injury, property damage or financial loss caused by the volunteer. With some exceptions, volunteers are protected by law from incurring personal civil liability. The [Volunteering Australia website](#) provides information about the most common types of insurance that covers volunteers.

It is also important the organisation has insurance as volunteers are generally not covered by workers' compensation laws. Contact your jurisdictional [workers' compensation authority](#) for more information.

# 10. Checklist

If you and the organisation you volunteer for are covered by the model WHS laws, this checklist may be used as a guide to assist in complying with WHS duties. It is not a comprehensive list and there may be other actions needed to comply.

Question	Yes	No
----------	-----	----

## Organisation duties

**If you answer ‘No’ to questions 1-7 or are unsure, you should talk to your manager or supervisor in the organisation you volunteer for about what action needs to be taken by the organisation to meet its WHS duties.**

- 1 Have you been provided with induction training that has included information and instructions on how to do your job safely when volunteering?
- 2 Has the organisation ensured that any machinery or equipment you use is suitable for the work and safe to use?
- 3 If you need personal protective equipment, has it been provided?
- 4 Have you received training on the organisation’s health and safety policies and procedures, for example on what to do in emergencies, how to report hazards and incidents?
- 5 Do you receive information from the organisation you volunteer for about WHS matters that might affect you when volunteering?
- 6 Are you provided with opportunities to have a say in the way your work is carried out safely?
- 7 Do you know who to contact if something happens when you are volunteering?

## Volunteer worker duties

**If you answer ‘No’ to any questions at 8-12, you need to take corrective action to meet your WHS duties.**

- 8 Do you follow, so far as you are reasonably able, the safety instructions, policies and procedures given to you by the organisation you volunteer for?
- 9 Do you do things as safely as you can when you volunteer?

Question	Yes	No
----------	-----	----

**10** Do you take reasonable care to not endanger other people's health and safety?

**11** Do you participate in WHS training and in discussions?

**12** Do you report any hazardous situations and incidents to your supervisor as soon as possible?

### Volunteer officer duties

**If you answer 'No' to any questions at 13-16, you need to take corrective action to meet your WHS duties.**

**13** As a volunteer officer, do you know what workers and volunteers do in the organisation you volunteer for?

**14** Are you aware of the *risks* that volunteer workers face when carrying out work for the organisation you volunteer for?

**15** Does the organisation you volunteer for have, use and keep up-to-date safe work policies and procedures?

**16** Do you keep informed of health and safety developments, *hazards* and *risks* relevant to the organisation you volunteer for, for example by:

- regularly checking your state or territory regulator's website
- talking to health and safety advisors or professionals, as well as manager and other workers in the organisation
- reading articles about WHS in journals, newspapers.