

Volunteers

This fact sheet is to give information in regard to having volunteers in your business

Questions covered in this Fact Sheet:

- When is a volunteer a volunteer worker?
- Does a volunteer worker have any responsibility for health and safety?
- What does it mean for a volunteer association to 'employ' a person?
- Is a volunteer association a PCBU if it is run by volunteer workers?

Q: When is a volunteer a volunteer worker?

A volunteer is **only** a volunteer worker when:

- The volunteer is doing work for a business who knows that they are doing work for them, and
- The volunteer does the work on an on-going and regular basis, and
- The work is an integral part of the business, and
- The work is not:
 - participating in fundraising
 - assisting with sports or recreation for an educational institute, sports club or recreation club
 - assisting with activities for an educational institution outside its premises
 - providing care for another person in the volunteer's home eg, foster care.

A volunteer must meet all the above conditions to be regarded as a volunteer worker.

If a volunteer is working for a business on an on-going and regular basis, but the volunteer's work is not integral to the work of the business or vice versa, they would not meet the definition of a volunteer worker. For example, volunteer marshals for an annual race, while integral to the event, would not be volunteer workers as they are not doing work for the organisation on a regular and on-going basis.

A volunteer is "a person who is acting on a voluntary basis, whether or not the person receives out-of-pocket expenses".

Q: Does a volunteer worker have any responsibility for health and safety?

Yes. Volunteer workers have the same duties as other workers and must:

- take reasonable care of their own health and safety,
- take reasonable care that what they do or don't do doesn't adversely affect the health and safety of others,
- cooperate with any reasonable policies or procedures the business or undertaking has in place on how to work in a safe and healthy way, and
- comply with any reasonable instruction given by the business or undertaking so that they can comply with HSWA and the regulations.

Q. What does it mean for a volunteer association to 'employ' a person?

The term means employing as an employee, as opposed to engaging as a contractor.

HSWA does not define 'employ' but it does define 'employee'. That definition refers to the [Employment Relations Act 2000](#) and means 'any person of any age employed by an employer to do any work for hire or reward under a contract of service'.

If a volunteer association (or any of its members) instead only 'engages' an individual to work for the association under a contract for service (i.e. a 'contractor'), then it would still be a volunteer association and not a PCBU.

Q. Is a volunteer association a PCBU if it is run by volunteer workers?

If an organisation falls within the definition of a volunteer association, then it is **not** a PCBU.

Whether the volunteers meet the test of a 'volunteer worker' or not is irrelevant. You can only have a volunteer worker if you are defined as a PCBU under HSWA.

For more information on PCBUs you can access [Fact Sheet – Person Conducting or Undertaking a Business \(PCBU\)](#)