



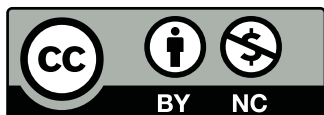
The Essential Guide  
to Work Health and  
Safety for Volunteers

This resource kit was developed by Safe Work Australia in conjunction with the Department of Prime Minister and Cabinet Not-for-Profit Reform Council working group. The Working Group was comprised of representatives from peak volunteer organisations:

- Volunteering SA & NT
- Uniting Care Australia
- Anglicare Australia
- The Smith Family
- The Red Cross
- Scouts Australia
- Surf Life Saving Australia, and
- The Australian Sports Commission.

Safe Work Australia acknowledges the contribution of the working group in the development of this important resource for volunteers and the vital role volunteers play in communities around Australia.

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# INTRODUCTION

## 1 Introduction

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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 new work health and safety (WHS) laws apply to volunteers, their rights and obligations. It outlines ways volunteer can meet their work health and safety duties and explains what volunteers can expect from the organisations they volunteer for.

This guide forms one part of a resource kit developed to help volunteers and the organisations they work for understand WHS laws. Further useful information on WHS laws is available from the [Safe Work Australia website](#).

### Harmonised Work Health and Safety Laws

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On 1 January 2012 the Australian Capital Territory, New South Wales, Queensland, the Northern Territory and the Commonwealth harmonised their WHS laws. This means that persons conducting a business or undertaking (organisations) and workers, including volunteers, in these jurisdictions are protected by the same WHS laws. Tasmania will implement the same WHS laws on 1 January 2013.

Regardless of the jurisdiction you volunteer in, the information in this guide will help you to understand the rights and obligations you have as a volunteer under WHS law.

### Key Terms used in this Guide

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Some of the words used in this guide have specific meaning under WHS law. A list of these key terms and their meanings are provided below.

Key Term	Meaning
Person conducting a business or undertaking (PCBU)	<p>A person conducting a business or undertaking (PCBU) is the main duty holder under the WHS Act. They are usually the employer and may be a partnership, company, unincorporated body or association, a sole trader, a government department or statutory authority.</p> <p>A volunteer organisation is a PCBU if it employs one or more paid workers.</p> <p>Throughout this guide a PCBU is referred to as an '<i>organisation</i>'.</p>

Key Term	Meaning
Reasonable care	<p>This term describes the standard of care that workers, including volunteers, must meet. It means doing what a reasonable person would do in the circumstance having regard to things like:</p> <ul style="list-style-type: none"> <li>■ your knowledge</li> <li>■ your role</li> <li>■ your skills and the resources available to you</li> <li>■ your qualifications</li> <li>■ the information you have, and</li> <li>■ the consequences to health and safety of a failure to act in the circumstances.</li> </ul>
Reasonably practicable	<p>This term is used to qualify or limit some work health and safety duties. With work health and safety if something is reasonably practicable it mean it is, or was at a particular time, reasonably able to be done, taking into account:</p> <ul style="list-style-type: none"> <li>■ the likelihood of the hazard or the risk concerned occurring</li> <li>■ the degree of harm that might result from the hazard or the risk</li> <li>■ what the person concerned knows, or ought reasonably to know, about the hazard or risk, and ways of eliminating or minimising the risk</li> <li>■ the availability and suitability of ways to eliminate or minimise the risk, and</li> <li>■ the cost of eliminating or minimising the risk.</li> </ul>
Volunteer	A person working without payment or reward for a PCBU.
Volunteer Association	A group of people working together for one or more community purposes that do not employ any paid workers. Volunteer associations are not covered by the WHS Act.
Worker	A worker is a person who carries out work for a PCBU in any capacity, including as a volunteer.







WHO HAS DUTIES UNDER  
THE WHS LAWS?

## 2 Who has duties under the WHS laws?

### Organisations

Most organisations that carry out work have duties under the WHS laws but *volunteer associations*—groups that are made up entirely of volunteers and do not employ any paid workers—do not have those duties. If you volunteer for a group like this then you also do not have duties under the WHS laws.

The 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 and you get the highest level of protection wherever you volunteer.

This Guide refers to the various types of organisations that owe duties to volunteers under WHS laws simply as 'organisations'.

### Did you know?

Having health and safety duties is not entirely new. In Queensland, the Northern Territory, South Australia and the Australian Capital Territory previous occupational health and safety laws specifically applied to volunteers. In other jurisdictions there was a duty to protect other people at the workplace, such as volunteers and visitors to the workplace.

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



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

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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 WHS Act.

### **Example 2 – volunteering for a person conducting a business or undertaking:**

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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 WHS Act. It also means that Sally has duties as a worker under the WHS Act.

## **WHS laws and work**

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Just as volunteer associations do not have duties under the WHS Act some activities are also not covered by WHS law. 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 WHS Act. For example:

- running a game of tag with children as a volunteer leader
- teaching a group of children how to light a camp fire safely, or
- leading bush walks with a group of young people on a weekend.

### **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
- activities that people are ordinarily paid to do but are carried out for your organisation by a volunteer, for instance, driving clients to appointments

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

## Volunteers

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Under the 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 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 WHS Act (see Chapter 4).





WHAT DOES THE  
ORGANISATION YOU  
VOLUNTEER FOR NEED TO DO?

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

If the organisation you volunteer for is covered by the 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 work health and safety.



### 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 in, 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.

For more information on driving as a volunteer for a community organisation please see the NSW Council of Social Services *Insurance and Driving as part of Volunteering* [fact sheet](#).

### Talking about Safety

The organisation you volunteer for must talk or otherwise consult with you about work health and safety 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 work health and safety 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 work health and safety 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 or email which feature work health and safety news, information and updates
- regularly updating the volunteer sections of notice boards or websites with information, including the organisations 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, and
- 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 work health and safety 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 set up in the WHS laws.

### 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 work health and safety 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 work health and safety. The way that the organisation consults with workers works well so they keep going that way.





WHAT DO YOU NEED TO DO  
AS A VOLUNTEER WORKER?

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

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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 work health and safety instructions given to you by the organisation you volunteer for, and
- co-operate with the reasonable policies and procedures of the organisation you volunteer for that relate to work health and safety.

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

- your knowledge
- your role
- your 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 work health and safety 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 at the beginning of this chapter and talk to your managers if you have any concerns about your health and safety or that of others in relation to your work.

### Volunteers are unlikely to be prosecuted

If you do the things explained in this Guide when you are volunteering you cannot be fined or prosecuted under the WHS Act.

In some jurisdictions work health and safety duties have been placed on volunteers for more than two decades but there have been no reported prosecutions of volunteers under those laws. Likewise, there have been no prosecutions of volunteers under the new WHS laws.

Prosecutions against paid workers in the past have been rare and only in relation to serious incidents where there was a high degree of recklessness or negligence.

It is expected that regulators will take the same approach under the new WHS laws in relation to paid workers and volunteers and prosecutions will be as rare as they have been in the past.

#### 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 work health and safety 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 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 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.

## What if something happens?

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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. Under the 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 work health and safety 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, including 'near misses', with the organisation you volunteer for may help to prevent more serious incidents from happening in the future.





VOLUNTEER OFFICERS

## 5 Volunteer Officers

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Some volunteers may sit on the board of an organisation or be in another 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 are an 'officer' under the 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.

### Duties of volunteer officers

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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 work health and safety matters. For example, learn what the 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 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 work health and safety 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 WHS law.

#### Officers might fulfil their duties by doing things like:

- talking about work health and safety matters at board meetings
- making sure there is ongoing consultation with volunteers and other workers about work health and safety issues

- asking about the organisations safety procedures and checking that they help the organisation meet its work health and safety 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 work health and safety issues
- keeping up to date with work health and safety developments and best practice relevant to the organisation.

### Volunteer officers cannot be prosecuted

A volunteer officer cannot be prosecuted for failing to comply with their officer duties under WHS law. 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 (see Chapter 4).

#### 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 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 work health and safety duties under the 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, and
- checks that the charity has other policies and procedures which work well in covering other aspects of work that volunteers and workers do.

Because Bill is a volunteer officer, he cannot be prosecuted for failing to exercise due diligence. However, it is in the best interest of the charity for Bill to do so. 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 WHS Act.







VOLUNTEERING FROM A HOME

## 6 Volunteering from a home

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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 WHS Act when carrying out your volunteer work.

### Your home as a workplace

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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.

### Volunteering in other people's homes

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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.

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.



EMERGENCY SERVICE  
VOLUNTEERS

## 7 Emergency Service Volunteers

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If you volunteer for an emergency service organisation you have the same duties as any other volunteer under the 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 work health and safety given to you by the organisation, and
- co-operate with reasonable policies and procedures given to you by the organisation that you volunteer for (see Chapter 4).

### Emergency Service volunteers and 'officers'

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An officer under the WHS Act does not mean someone who is called an officer because of their rank or title, for example First Aid Officer. Under WHS law 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 (see Chapter 5).

### Is an 'incident controller' an officer?

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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 WHS Act.



A pair of hands, one on the left and one on the right, are holding a white rectangular sign. The sign is centered on a light blue background. The text on the sign is written in a black, hand-drawn, sans-serif font.

WHS LAWS PROTECT  
YOU FROM BULLYING AND  
DISCRIMINATION

## 8 WHS laws protect you from bullying and discrimination

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### Workplace bullying

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The work health and safety responsibility of the organisation you volunteer for requires them to prevent 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.

If you feel you are being bullied 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. [Work health and safety regulator contact details](#) are available on the [Safe Work Australia website](#).

### WHS discrimination

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



OTHER LAWS

## 9 Other laws

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When you are volunteering there are other laws that you must comply with or that offer you protections. Below is a guide to some of these laws. You should seek further advice from your organisation or relevant volunteer body.

### Anti-discrimination laws

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In addition to the protections from discrimination in the WHS laws, state, territory and Commonwealth anti-discrimination laws prohibit discrimination of a person because of that person's attributes. For example, the laws prohibit discrimination because of a person's race, gender, age, disability, religious belief, political belief, parental status or trade union activity as well as other attributes.

The [Commonwealth Human Rights and Equal Opportunity Commission website](#) provides information about Commonwealth anti-discrimination laws and links to the websites of [State and Territory anti-discrimination bodies](#).

### Insurance

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Generally, volunteers are not covered by workers' compensation laws. Therefore it is important to check that the organisation you volunteer for has insurance that adequately covers you and the activities you are carrying out when volunteering.

The [Volunteering Australia website](#) provides information about the most common types of insurance that covers volunteers.

### Protection from personal civil liability but not criminal liability

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Across Australia there are laws that protect you, as a volunteer, from incurring personal civil liability if anything you do, or fail to do, when volunteering results in loss or damage.

However, these laws will not protect a volunteer from personal liability for any damage or loss that results from anything they do, or fail to do, while under the influence of drugs or alcohol or were acting outside the scope of activities authorised by the organisation or contrary to the organisations activities.

These laws will also not protect a volunteer from criminal liability.

For instance, if you are involved in a car accident when driving as part of your volunteer work these laws will generally place any civil liability resulting from damage on the organisation that you volunteer for. But, if you were engaging in criminal conduct, such as speeding, drink driving or dangerous driving you will be personally liable for the damage.

There are exceptions to this rule for some volunteers, for instance, emergency service volunteers will not face criminal liability for things done in good faith, like damaging property that was necessary to aid in responding to an emergency.

There are some differences between the volunteer protection laws in each jurisdiction. For instance, in some states and territories a volunteer is not protected by these laws if insurance laws apply to any liability that the volunteer may face, such as compulsory third-party motor vehicle insurance. The [Volunteering Australia website](#) provides further information on insurance for volunteers.



## Industrial relations laws

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If you are engaged as a volunteer it is unlikely that industrial relations laws, such as the *Fair Work Act 2009* or State or Territory industrial relations laws, will apply to your volunteer arrangements. If you think you have been engaged as an employee or contractor and not as a volunteer, you can find information from the [Fair Work Ombudsman website](#).

## Tax laws

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The [Volunteering Australia website](#) provides useful information for volunteers about how and when volunteers may have to pay tax.







# CHECKLIST

## 10 Checklist

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

Question	Yes	No	
<p><b>Organisation duties (Chapter 2 and 3)</b></p> <p>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 work health and safety duties.</p>			
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 work health and safety 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?		
<p><b>Volunteer worker duties (Chapter 4)</b></p> <p>If you answer 'No' to any questions at 8-12, you need to take corrective action to meet your work health and safety duties.</p>			
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?		
10	Do you take reasonable care to not endanger other people's health and safety?		

Question		Yes	No
11	Do you participate in work health and safety training and in discussions?		
12	Do you report any hazardous situations and incidents to your supervisor as soon as possible?		
<p><b>Volunteer officer duties (Chapter 5)</b></p> <p>If you answer 'No' to any questions at 13-16, you need to take corrective action to meet your work health and safety duties.</p>			
13	As a volunteer officer, 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	<p>Do you keep informed of health and safety developments, hazards and risks relevant to the organisation you volunteer for, for example by:</p> <ul style="list-style-type: none"> <li>■ regularly checking your state or territory regulator's website</li> <li>■ talking to health and safety advisors or professionals, as well as manager and other workers in the organisation</li> <li>■ reading articles about work health and safety in journals, newspapers.</li> </ul>		

