

**LEGISLATIVE FACT SHEET SERIES: HOW VOLUNTEER ORGANISATIONS CAN  
COMPLY WITH THE MODEL WORK HEALTH AND SAFETY LAWS**

The model Work Health and Safety (WHS) Act aims to protect the health and safety of all workers nationwide, including volunteers. Protecting the health and safety of volunteers demonstrates that their commitment is valued and recognises the vital role they play in the community.

This fact sheet provides information about what volunteer organisations need to do to comply with the model work health and safety laws. In this fact sheet, the term ‘volunteer organisation’ is used to describe all volunteer organisations including not for profit and community service organisations, whether or not they are covered by the model work health and safety laws.

A volunteer organisation owes duties to its volunteers under the WHS Act where it:

1. conducts a ‘business or undertaking’ (whether for profit or not), and
2. *is not* a ‘volunteer association’ as defined by the WHS Act.

The model work health and safety laws do not apply to a ‘volunteer association’. A volunteer association is defined as a group of volunteers working together for one or more community purposes where none of the volunteers (jointly or alone) employs any person to carry out work for the association. A volunteer association may be unincorporated or incorporated.

For information about whether your volunteer organisation is a person conducting a business or undertaking (PCBU) and owes duties to its volunteers, see the fact sheet [Volunteer organisations and the model Work Health and Safety Act](#).

***Why do we need to protect volunteers?***

The general duties of volunteer organisations in relation to volunteers are well established in Australian law.

Australian courts have long recognised that volunteers are owed a general duty of care by the people and organisations they support. This is the duty to do what a reasonable person in these circumstances would do where it is reasonably foreseeable that the volunteer could be injured.

In addition to the general protection afforded by Australian law, states and territories have extended protections under occupational health and safety laws to volunteers who worked in employment-like settings. However, the obligations imposed on volunteer organisations and the protections afforded to volunteers varied across the jurisdictions. Most laws only protected 'employees' and 'other persons at the workplace' which could also include volunteers. Some jurisdictions provided additional protections for volunteers. For example:

- in the ACT, volunteers who worked in employment-like settings were workers and were treated the same way as any other worker
- in Victoria, all community service organisations with employees had obligations to protect the health and safety of both employees and volunteers, and
- both volunteers and volunteer organisations had obligations under the Queensland occupational health and safety laws.

The model work health and safety laws ensure that all volunteers who carry out work for a business or undertaking nationwide, enjoy the same protections.

### ***What does your volunteer organisation need to do to comply with the model WHS Act?***

Under the model WHS laws the primary duty of care for work health and safety is imposed on a 'person conducting a business or undertaking' (PCBU). The duty is to ensure, so far as is reasonably practicable, the health and safety of workers, including volunteers, engaged in work for the business or undertaking.

A volunteer organisation that is a PCBU must do what is reasonably practicable to ensure that its workers are healthy and safe. The duty is owed to 'workers' generally including employees, contractors and subcontractors, apprentices, work experience students and volunteers. It is not an absolute duty to ensure that no harm occurs. If an organisation is run by volunteers, this will be taken into account in determining what is reasonably practicable for a PCBU volunteer organisation to do to meet its duty of care in any given circumstances.

What is 'reasonably practicable', is that which is, or was, reasonably able to be done in relation to ensuring health and safety, taking into account all relevant factors. For more information about what 'reasonably practicable' means, see Safe Work Australia fact sheet: [Work health and safety duties](#).

### ***Consulting with volunteers***

There is a legal duty under the WHS Act for PCBUs to consult workers, including volunteer workers, in relation to health and safety issues. Consultation is an effective way of ensuring volunteers contribute to the identification of hazards, and the assessment and control of risks they face in carrying out their work. Volunteer organisations should make sure volunteers engaging in work have a reasonable opportunity to contribute to the improvement of health and safety.

Your volunteer organisation could involve volunteers by:

- holding regular meetings that focus on health and safety
- making health and safety a standing agenda item at meetings
- including health and safety information in regular newsletters, and
- sending regular emails to volunteers regarding health and safety issues and safe working practices.

### ***What are the risks to volunteers engaging in work?***

Volunteers, like other workers, face a wide range of possible risks and injuries from carrying out work. Such injuries may be physical or psychological and can result from common activities carried out by volunteers undertaking community services. The level of care that is required will depend on individual circumstances, such as the age of the volunteer, where the work is carried out and the relationship between the duty holder and volunteer.

Psychological injury and illness can be caused by the demands of the work, for example due to:

- the lack of control the volunteer has over the work
- the workload the volunteer carries
- challenging client behaviour that the volunteer is confronted with
- lack of clarity in the volunteer's role, or
- poor management of organisational change.

Physical injury or illness can be caused by work equipment or the working environment for example by:

- electrocution or electric shock
- contact with moving machinery parts

- contact with hot or cold parts
- excessive noise from machinery
- fire caused by faulty wiring, or
- falls from working at heights.

Illness can also result from contact with hazardous chemicals, for example, due to:

- lack of information and training provided about the health effects of hazardous chemicals
- hazardous chemicals not labelled or not labelled correctly
- hazardous chemicals not replaced with less hazardous chemicals, and
- exposure to asbestos or other hazardous substances.

Injury or illness can be caused by working in unsafe or unhealthy work environments, for example, due to:

- a) unsafe or unstable structures
- b) unsafe entrances, exits, steps, stairs, and ramps
- c) slippery and uneven floor surfaces
- d) cramped work spaces
- e) uncomfortable workplace temperatures including being too hot or too cold
- f) poor ventilation, excessive noise or insufficient lighting
- g) non-ergonomic work stations, and
- h) insufficient and/or non-hygienic kitchen facilities or toilets and hand basins.

The duty to take reasonably practicable steps to ensure the health and safety of workers, means a PCBU needs to identify the hazards and assess the risks associated with the type of work that its workers and volunteers carry out. Some specific examples of the types of environments volunteers work in and the tasks they carry out that should be assessed for risks follow.

### 1. *Driving a vehicle*

Volunteer drivers may face risks associated with vehicle operation and road accidents. Accidents may result from a range of factors such as lack of medical fitness, fatigue, use of medication, lack of experience or training to operate the vehicle or the use of a mobile phone while driving.

In this situation risks may be increased by the excessive numbers of passengers, the challenging behaviours of passengers, an unroadworthy or not properly maintained vehicle, or a vehicle that is not suitable for the task. Elimination of all risks is not always possible. To minimise risks however, it is necessary to ensure that vehicles are properly serviced and maintained and that drivers are suitably licensed. It may be necessary to ask the volunteer driver a series of questions before they carry out the work such as:

- a) do you have a current and valid driver's licence for the type of vehicle you will be driving?
- b) do you have any illnesses or are you on any medication which may affect your ability to operate a vehicle?
- c) are you familiar with the vehicle you will be driving?
- d) are you capable of driving in unusual conditions such as off road?

If the volunteer is using their own vehicle, you should also check that it is roadworthy and registered.

## 2. *Working in a private home*

Volunteers working in the private homes of others may be exposed to a range of hazards and risks which could cause injury or illness. Some of these risks may be associated with a lack of information gathered about the home before the first visit. Such hazards and risks might include:

- the presence of hazardous chemicals
- the use of unfamiliar machinery or equipment
- the presence of other people in the home who are affected by substances or whose behaviour is aggressive, or
- the presence of domestic or other animals.

To address these risks it may be useful to gather adequate information about the home and then provide appropriate and practical information and instruction to volunteers. It may also be helpful to ask volunteers a series of questions regarding the work environment before they carry out the work such as:

- a) do you have any allergies?
- b) have you used this equipment before?
- c) are you comfortable being around domestic pets?
- d) do you have a current first aid certificate?

Information that could be provided to volunteers prior to a first visit to a home may include:

- a) information about the home to be visited regarding access to and layout of the property
- b) instructions and/or training on how to use specialised or unfamiliar equipment, and
- c) information about the number of people and pets residing in the home.

### *3. Working at a charity shop*

Volunteers working at charity shops may be exposed to a number of hazards and risks including congested aisles, wet floors, loose items on the floor, poor lighting, ventilation or poor temperature control, moving heavy items or working with a lack of space leading to poor working postures, dealing with difficult customers, or the ease of access to money in the cash register. Information and instruction should be provided to volunteers to assist in establishing safe working practices and in minimising exposure to such risks.

### *4. Working in a remote or isolated location*

Volunteers who teach children on a remote and isolated outback station may be exposed to a number of hazards and risks such as:

- exposure to extreme temperatures
- isolation
- run down facilities or lack of resources
- exposure to hazardous chemicals
- inadequate safety and/or personal protective equipment
- stressed or aggressive station owners or employees
- unfamiliar equipment such as quad bikes or tractors, or
- lack of access to medical services or emergency assistance.

Volunteers may also feel obliged to undertake tasks other than those related to teaching or which may be beyond their physical capacity or skill set.

In these situations, the station manager or owner has the primary duty of care to ensure the work volunteers carry out does not place them at risk of injury or death. A volunteer organisation that facilitates placement of volunteers on stations can also do a number of things to help minimise these risks prior to the arrival of volunteers. This includes gathering information about the location, work environment and nature of the work volunteers will be required to carry out. Relevant information can then be provided to volunteers about the

conditions they may encounter, the resources available and the work they will need to be prepared for.

*Practical steps to take*

Where relevant, volunteer organisations may also recommend that volunteers undertake courses such as first aid, particularly where the volunteer is located in a remote location. It is also a good idea to consider an informal written acknowledgement of the type of work and work hours volunteers are able and willing to undertake. This may be initiated by the volunteer organisation where volunteers are working on a rural station and entered into by the volunteer and the station owner or manager.

More information about risk management can be found in the model Risk Management Code of Practice and from work health and safety regulators.

For information about when volunteers are covered and what they need to do to comply with the model work health and safety laws, see the Safe Work Australia fact sheet [Volunteers and the model Work Health and Safety Act](#).