

## How Are Volunteers Covered?

Several amendments have been made to the Bill with regards to volunteers.

The changes recognise that volunteers contribute greatly to New Zealand communities and will ensure the new law will not negatively affect volunteering.

The amendments take coverage of volunteers back to what it is under the current law which distinguishes between casual volunteers and volunteer workers.

The information below and diagrams explain how the Bill now applies to volunteers.

## Is your organisation a Person Conducting a Business or Undertaking?

Under the Bill, a Person Conducting a Business or Undertaking (PCBU) has the primary duty to ensure the health and safety of its workers and others, so far as is reasonably practicable.

A purely volunteer organisation where volunteers work together for community purposes and which does not have any employees is known as a volunteer association under the Bill.

A volunteer association is not a PCBU so the Bill will not apply to it.

A volunteer organisation which has one or more employees is a PCBU and will have the same duties as a PCBU to ensure, so far as reasonably practicable, the health and safety of its workers and others.

This is the same approach as taken by the current law. What the volunteer organisation will have to do is what is reasonably practicable for it to do, and what is within its influence and control.

## If your organisation is a PCBU, does it have casual or volunteer workers?

Where volunteers carry out work for a PCBU, the Bill distinguishes between casual volunteers and volunteer workers. Volunteer workers are people who regularly work for a PCBU on an ongoing basis and are integral to the PCBU's operations. This distinction is based on the existing Health and Safety in Employment Act 1992.

PCBUs will owe a duty to ensure, so far as reasonably practicable, the health and safety of volunteer workers as if they were any other worker. This ensures that these volunteers are afforded the protection of having the appropriate training, instruction or supervision need to undertake their work safely – just like any other worker.

Are your volunteers doing certain activities which means they are excluded from the "volunteer worker" definition under the new law?

People volunteering for the following activities will not be volunteer workers under the new law:

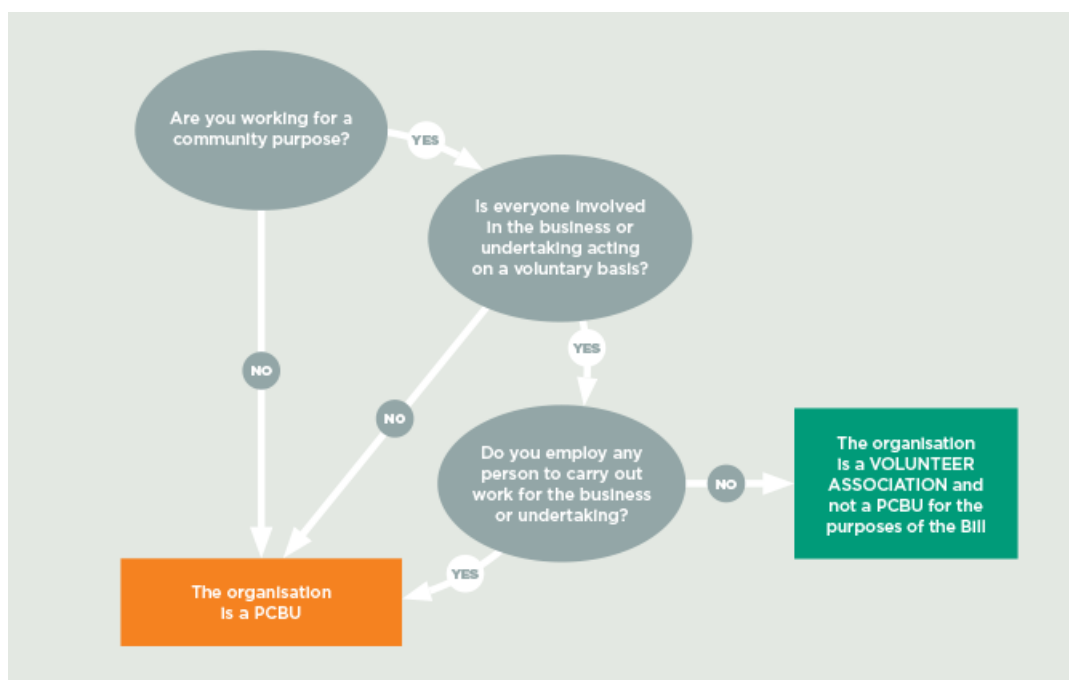
- Participation in a fundraising activity
- Assistance with sports or recreation for an educational institute, sports or recreation club
- Assistance with activities for an educational institution outside the premises of the educational institution.
- Providing care for another person in the volunteer's home.

## What are a PCBU's duties to casual volunteers?

PCBUs will have a duty to others in the workplace (such as customers or visitors), to ensure that their health and safety is not put at risk from the PCBU's work, so far as is reasonably practicable. This duty also applies to casual volunteers who are in the workplace.

## PCBU or Volunteer Association?

Whether you are a PCBU or a volunteer association determines whether you have responsibilities under the Health and Safety Reform Bill



## Do you have volunteer workers?

You have established you are a PCBU. Now you need to think about whether you have volunteer workers. Volunteer workers are given the same health and safety protections as other workers under the Bill, with some exclusions. Casual volunteers are given the same protections as other people who might be affected by your work such as visitors or

customers. Similar requirements exist under the current law – the Bill just makes them clearer.

