# Health and Safety Guidelines



# A practical guide to promote the safety of employee volunteers.

# **CONTENTS**

Introduction	3
Who is responsible	4
The legal responsibilities for health and safety	4
ACC cover and payment for the first week of leave after an accident	5
After the project (for all)	8
Agreements and Information Briefs	8
Agreements	8
Information Briefs	8
Checklist	9
Appendices :	12

# **ACKNOWLEDGEMENTS:**

Volunteering New Zealand (VNZ) would like to thank Mobil Oil New Zealand Limited for providing financial support to enable the development and production of this publication. Our thanks also to Wellington Community Law Centre, ACC and Department of Labour for their input into the preparation of this publication.

# SPECIAL THANKS GO TO:

Kristi Anderson Heather Clark Chris Ferkins Giselle Fasher Pauline Harper and Judy Kerr Trisha Ockwell Gillian Peacock Supriya Rathod

For sharing their experience and resources

# **Disclaimer**

The information and guidance contained in this guide is accurate and up-to-date at the time of publication. VNZ, or anyone mentioned in this booklet, is not responsible or legally liable for the way the information is implemented. It is the responsibility of all parties involved in an employee volunteering project to ensure the safety of employee volunteers, and that policies and procedures meet current legal requirements.

Version 2 published by: Volunteering New Zealand, Wellington, November 2013

ISBN: 978-0-473-18505-3 (Print version 2.0)

This guide is relevant to organisations involved in employee volunteering, including the host community organisation, the employer, individual volunteers and the brokering organisation such as a volunteer centre.

Volunteering New Zealand prepared these guidelines to highlight health and safety issues associated with employee volunteering. Mobil Oil New Zealand Limited (Mobil) contributed through its community contribution programme, to produce and publish the original Employee Volunteering Health & Safety Guidelines.

Aiming to promote safety and prevent accidents/injuries among employee volunteers, this guide covers volunteering risk factors, responsibilities and useful contacts.

Community projects involving employee volunteers in New Zealand has increased rapidly over recent years. In addition to employee volunteers, a number of organisations such as welfare and church groups offer groups of volunteers for community projects.

The growth in employment and other group volunteering prompted the Department of Labour and the Accident Compensation Corporation (ACC) to question the type of cover applicable to employee volunteers. Are employees 'at work' when they are being paid by their employer for volunteering?

A variety of employee volunteering programmes exists. In some instances employee volunteers have special paid leave with the opportunity to choose their own volunteer work on an individual basis. Other programmes offer employees the opportunity to join a group project that has been designated and organised by the employer. This may occur during ordinary work time or through special leave provisions.

The type of ACC cover which may be applied if employee volunteers are injured is outlined on pages 4 and 5 of this guide.

Regardless of the type of the employee volunteering programme, all volunteering activities have health and safety issues that must be addressed. Employees going from their paid workplace into short term volunteering projects, especially in group projects, are likely to be going into a very different 'work' environment and without the type of orientation/training that longer term or permanent volunteers would expect to receive.

# WHO IS RESPONSIBLE?

In any workplace situation, all employee and other group volunteering projects involve health and safety considerations. However, employee volunteers working in an unfamiliar work environment may encounter challenges. Work skills, the use of equipment or tools, potential hazards and fatigue should be considered (see Appendix 3).

Many volunteers are familiar with the light type of 'do it yourself' work such as painting and gardening. However, volunteers coming from an office environment to do physical activities or work involving specialised equipment may not have appropriate experience or training. These factors need to be taken into account when assessing the health and safety requirements for employee volunteer work.

Four key stakeholders may be involved in employee volunteering projects (the community organisation, employee, employer and brokering agency). Depending on the nature of the project and stakeholder engagement, responsibility for employee volunteering health and safety may include:

Host community organisation	Knows best the tasks and work environment. Holds prime responsibility to ensure the health and safety for employee volunteers by identifying and communicating potential health and safety issues, skills and experience requirements to undertake the work.
Employer	Ensures its employees are aware of the need to undertake appropriate roles and take adequate care in order to do their volunteer work safely. Is fully informed about the legal issues associated with volunteering.
Employee volunteers	Have responsibility to follow health and safety requirements of the project.
Brokering agency	Makes each party aware of the need to ensure health and safety issues are well covered when the project is carried out.

# THE LEGAL RESPONSIBILITIES FOR HEALTH AND SAFETY

In New Zealand the Health and Safety in Employment Act sets out responsibilities for employers and their paid staff to ensure the work environment is safe and work practices are carried out safely.

All organisations involving volunteers have a duty of care under the Act to provide for the safety of their volunteers. This duty of care requires organisations to consider and put in place appropriate safety arrangements.

Where the organisation employs paid staff as well as volunteers who undertake regular ongoing volunteer duties, apart from some exceptions (see Appendix 4) those volunteers are covered by the requirements of the Act which apply to paid staff. The penalties in the Act can be applied.

While the Act only stipulates responsibilities for ongoing regular volunteers working for an organisation with paid staff, everyone who volunteers should be actively encouraged to recognise they have responsibilities to ensure their own safety and the safety of those they are working with when taking part in employee or group volunteering activity.

In group employee volunteer projects which are short term and not ongoing, host organisations will have the general duty of care responsibility. If the host organisation has paid staff and the employee volunteers become involved on a regular basis then the legally enforceable requirements of the Act are likely to apply. In preparing these guidelines we have received advice from the Wellington Community Law Centre and ACC.

In general, where an employee volunteer suffers an injury as the result of an accident while volunteering, ACC would regard the injury as a non-work injury. However, there are some situations where an employee

volunteering project may be considered work related. This is explained in more detail on the next page.

It should also be stated that when employers are directly involved in organising volunteering projects for their employees they have a responsibility or duty of care to ensure their employees can undertake the project safely. Tip for the employers – Consider including health and safety guidelines for your employees involved in employee volunteering into internal policies and procedures.

# ACC COVER AND PAYMENT FOR THE FIRST WEEK OF LEAVE AFTER AN ACCIDENT

All volunteers have ACC coverage in the event of suffering an injury as the result of an accident, providing the terms of the legislation are met.

Employee volunteers who have an accident while volunteering will not be in an employed work situation and ACC will not regard the injury as a work related accident. This means that if an injured volunteer required absence from paid work as a result of an accident, the employer would not be required to pay wages for the first week of absence. Sick leave or other leave may be taken instead. If the absence is more

than one week the person would be eligible for ACC weekly compensation after the first week, providing the legislated conditions are met. We also note that research undertaken by Volunteering New Zealand indicates many employers would pay wages in the first week of the absence.

ACC indicates there would be certain circumstances when an employee volunteering project may be considered work related. ACC says that if employees of an organisation were doing voluntary work as part of an activity organised by their employer, and the choice was to stay at work or go on the voluntary work exercise, and if that employee were to suffer an injury by accident during that activity, ACC may regard that claim as a work injury claim. The participants would not be participating in the project were it not for their employment.

ACC has made it clear this is not a formal legal opinion and that each claim would be considered on the circumstances of the particular claim at the time.

While the main responsibility for health and safety of volunteers lies with the host organisation, ensuring a safe and enjoyable volunteer working environment requires the engagement of all the key stakeholders and should include the following strategies:

#### **HOST ORGANISATION**

# Before Follow the health and safety key principles (see Appendix 2.) to ensure the workplace is safe for the employee volunteers. While on the project It is important to ensure that the employee or community group volunteers have the necessary skills to safely carry out their assignment. Their work may require training and/or supervision. If it becomes evident a team member will not be able to do the assigned task(s) safely or has a health condition that might be aggravated by taking part, the volunteer should be assigned other duties. If something goes wrong Any accident or near-miss incident will need to be recorded in the same way as if it had involved a paid staff member or permanent volunteer. Information should be obtained from the injured person or witnesses and equipment and work environment should be checked.

© Volunteering New Zealand 2013

prevent future similar incidents.

The incident should be reported to the employer of the injured volunteer, the injured volunteer and if applicable, the brokering agency, and used to

#### **EMPLOYER**

#### **Before**

When the employer takes the lead on organising employee volunteering he or she needs to obtain a full briefing from the host organisation on the tasks, health and safety issues, safety hazards, tools/equipment/training/safety gear requirements, evacuation procedures and any specific instructions that participating employees should be given before starting the project.

A project agreement with the host organisation, which covers the details listed above, should be completed.

Ensure that the employer's leave policy adequately covers situations where an employee volunteer has to be absent from work as the result of an accident while on a volunteering project.

# While on the project

Ensure an appropriate staff member is available for support if an emergency situation arises.

# If something goes wrong

If the employee requires time off work, follow up with the employee on his/her wellbeing. Seek a full report on what occurred and follow up on actions that might be required.

# **EMPLOYEE**

#### **Before**

Whether or not the project is organised by or on behalf of the employer, each employee should make him/herself aware of any skill requirements and health and safety issues involved in the volunteering activities.

Each person should make their own decision on whether or not to become involved in a project and consider the effects of existing health conditions, e.g. asthma if involved in painting inside a building.

Employees should provide information to the employer, team leader and/or host organisation including emergency contact numbers.

# While on the project

Follow the health and safety instructions of the host organisation supervisor or group leader and take note of emergency procedures.

Respect the host organisation's rules, codes of conduct and site policies.

Employees who do not feel confident or are too tired to complete tasks should inform the supervisor.

If the employee identifies new hazards, immediately inform the supervisor and/or group team leader and keep safe until the hazard is managed.

Do not undertake any volunteering work that has not been safety assessed.

If something goes wrong	Follow the instructions of the site supervisor. If they are not available, act in the best possible way to protect yourself and others from the ongoing hazard.
	If another employee volunteer is injured, provide or assist with help, first aid or arrange an emergency evacuation.
BROKERING AGENCY	
Before	Establish good understanding of the volunteer work and potential hazards.
	Ensure that a representative of the agency or volunteering project visits the host organisation to view the project site, understanding the work to be done and identify potential health and safety hazards.
	Clarify the responsibilities with the host organisation about briefing the employee on health and safety issues to ensure everyone understands what they can and cannot do. This might be put in the project agreement.
	Ensure a full briefing including the health and safety issues is prepared by the host organisation and provided to the employer or volunteer team organiser.
While on the project	If feasible, visit employee volunteers while they are on the work site and check that the project is supervised, activities are going well and health and safety requirements are being met.
If something goes wrong	Obtain a report on the incident and apply the lessons learned for future

projects.

# AFTER THE PROJECT (FOR ALL):

- Ensure evaluation includes the health and safety aspects of the project.
- Use feedback received to improve procedures for briefing host organisations and employers in future projects

#### AGREEMENTS AND INFORMATION BRIEFS

# **Agreements**

A project agreement should be completed between the key parties involved in employee volunteering.

The agreement should be between the host community organisation and the employer or other organisation providing a group of volunteers. The leader of the volunteer team should be asked to become familiar with the key content in the agreement on behalf of the volunteer team. Examples of the possible different types of agreements are in Appendix 5.

A brokering service such as a volunteer centre might also be party to the agreement or have a separate agreement with the host organisation and employer/organisation.

The agreement should outline the tasks (including volunteering hours), the number of volunteers required to complete the tasks, provision of lunch/refreshments, orientation/training which will be given by the host organisation, the equipment and safety clothing which the host organisation or employer will provide to the volunteer team and responsibilities in the case of an accident or emergency.

# **Information Briefs**

The agreement may need to be supplemented by full information brief providing details of the work to be done, the type of skills required the fitness levels required of the volunteers, the equipment and any protective clothing which will needed etc. It should specify potential hazards on the work site, evacuation procedures, emergency contact details, the availability and location of emergency equipment, and the location of first aid supplies. Where appropriate it would include arrangements for work breaks and refreshments that will be provided.

# Checklist

The checklists which follow are intended to help promote volunteer safety.

Please go through the applicable checklist. If you answer No to a question, you may need to take further action on that point.

HOST ORGANIS	ATION	
☐ Yes	□ No	Prepare a full information brief which includes details of the work to be done for the project, the skills needed for the work, equipment and any protective clothing required, the health and safety procedures to be followed
☐ Yes	□ No	Prepare an appropriate orientation for volunteers including health and safety information instruction
☐ Yes	□ No	Have a Hazard Plan and effective health and safety procedures in place which can be used and followed by the volunteer team. Safety assessments include wet weather and back-up tasks
☐ Yes	□ No	Confident the volunteer team will know how to act in case of an emergency
☐ Yes	□ No	Regularly check and maintain all your equipment
☐ Yes	□ No	Have a procedure to check if the volunteers may bring or create any hazards when undertaking the project for you
☐ Yes	□ No	Check the employee volunteers are not doing any dangerous work or using machinery with potentially high hazard
☐ Yes	□ No	Ensure that project volunteers are not intoxicated (and no alcohol is consumed over lunch/refreshment breaks)
☐ Yes	□ No	Ensure the staff working with the employee volunteers are briefed on working with the volunteers including guiding them on any relevant safety procedures
☐ Yes	□ No	If the project requires tools which require particular skills or a high risk activity, have you ensured adequate training and supervision
☐ Yes	□ No	First aid kit complete and easily accessible
☐ Yes	□ No	Systematic way to evaluate the project's safety

<b>EMPLOYER</b>		
☐ Yes	□ No	Comprehensive information brief from the host organisation and have you signed a project agreement
☐ Yes	□ No	Team leader for the group doing the volunteering
☐ Yes	□ No	Informed your employees in advance about the volunteering tasks and skills/ experience required
☐ Yes	□ No	Specified or provided personal protection gear required for volunteering such as clothing, gloves, sun hat, safety glasses, shoes, etc.
☐ Yes	□ No	Agreement between employer and the employee on leave provision in case of an absence resulting from an injury caused during the employee volunteering project
☐ Yes	□ No	Emergency contact person/number for the employees while on their volunteering project
☐ Yes	□ No	Employees know what immediate action to take in case one of the team members is injured
☐ Yes	□ No	Employees expect to report to you any incidents and injuries while on an employee volunteering project
☐ Yes	□ No	Employees expect to report to you any incidents and injuries while on an employee volunteering project

EMPLOYEE		
☐ Yes	□ No	Received full information about the tasks to be done and health and safety and skill requirements
☐ Yes	□ No	Received the health and safety briefing from your team leader and a representative from the host organisation at the worksite
☐ Yes	□ No	Feel confident the tasks you are asked to do will not affect any health conditions you might have
☐ Yes	□ No	Understand what special clothing you should wear or take with you and if you need to bring any food
☐ Yes	□ No	If volunteering as a group, do you have a team leader
☐ Yes	□ No	Know what to do in case one of your team mates is injured or any other emergency occurs
☐ Yes	□ No	Know how leave will be arranged with your employer including leave if you are injured during the project and need time off work
BROKERING AG	ENCY	
☐ Yes	□ No	Visit the host organisation and the site where the employee volunteers will be working, checking if there are effective health and safety procedures in place and being used
☐ Yes	□ No	Ensure the employer/organisation has been given proper briefing information to give to their volunteer team
☐ Yes	□ No	Project agreement with the employer and/or host organisation includes relevant coverage of health and safety provisions
☐ Yes	□ No	Check with the employer that all the employees coming to work on the project are fit and capable of doing the required tasks
☐ Yes	□ No	Visit project sites as part of your project management
☐ Yes	□ No	Pass any information you receive from the employees or employer about their health issues or needs to the host organisation



# 1. GLOSSARY OF TERMS

Employee volunteering	The commitment of an employer to encourage its staff to volunteer for community organisations.
Employee volunteer	An employee who is encouraged and supported by the employer to undertake voluntary service with a community organisation.
Employer	Any entity which enables and encourages staff to take part in volunteering during or out of their working hours. This may be in the form of paid leave. An employer may be a for-profit business, not-for-profit organisation or government agency.
Group volunteering	Any number of persons undertaking volunteer work as a group through a non-employer organisation.
Host organisation	A community organisation which provides and benefits from volunteer work done by the volunteers.
Brokering agency	An organisation such as a volunteer centre which assists employers, their employees and community organisations to match and engage in volunteering projects.
Volunteer centre	A not-for-profit organisation which aims to promote volunteering, builds capacity provides leadership and connects volunteers with volunteering opportunities in their communities. Within the employee volunteering settings, they often act as brokers between the community and business.
Volunteering New Zealand	The national organisation which works to lead, promotes, and represents all volunteering in Aotearoa New Zealand.

# 2. HEALTH AND SAFETY KEY PRINCIPLES

Within the legal framework, all involved in employee/group volunteering need to consider the following to minimise the risks of possible accident:

- Identify known and potential hazards in the environment that pose risk to all or some participants of the project which could be caused by people and equipment
- Manage hazards appropriately by eliminating, isolating or minimising them
- Have Health & Safety policies and procedures which everybody knows and follows
- Ensure all volunteers have appropriate orientation and training for tasks they are to do

- Use protective equipment/clothing as appropriate
- Ensure all tools and machinery are used and maintained in accordance with the safety instructions
- Be familiar with potential emergency situations and procedures to be followed in the case of an emergency or accident (fire exits, first aid kit location, where accident and hazard registers are located, etc.)

# 3. MOST FREQUENT HAZARDS

A hazard is an activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation, or substance (whether arising or caused within or outside a place of work) that is an actual or potential cause or source of harm and includes a situation where a person's behaviour may be an actual or potential cause or source of harm to the person or another person.

The following is a non-exhaustive list of the most frequent potential hazards that might occur on volunteer work sites:

- Working at height
- Using unfamiliar tools and inappropriate use of tools
- Muscular stress while doing a physical activity (e.g. Lifting)
- Noise

- Insect bites and stings
- Transportation to and from the volunteering site
- Exposure to cold, heat and sun
- Lack of ventilation
- Physical or mental fatigue

# 4. TYPES OF VOLUNTEERING ACTIVITIES EXCLUDED FROM LEGALLY ENFORCEABLE PROVISIONS OF HEALTH AND SAFETY IN THE EMPLOYMENT ACT

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

(Refers to Health and Safety in Employment Act 1992)

# 5. TEMPLATES

The following templates are examples of the current practices among the parties involved in employee volunteering in New Zealand. Due to complexities these examples illustrate the possible types of arrangements. You may need to adjust the type, content and clauses of the agreement to your circumstances.

# 5.1. AGREEMENT BETWEEN VOLUNTEER TEAM LEADER AND BROKERING AGENCY

Employer								_
Team Leader								
<b>D</b>		First name		Last ı	name			_
Project name								_
Address								_
Phone	( )		N	lobile ( )				_
Email								_
Gender	□F	□ M						
Age band	In the box, w	rite the number	of team memb	ers in that brack	et			
	□ 15–19	□ 20–29	□ 30–39	□ 40–49	□ 50–59	0 🗆 60-	+	
What are the mai	n goals of you	r team's volunte	ering activity?					
								_
Health and Safet	у							
(Brokering Agency taking part in a voconditions that poetro) Your company's Howorkplace. We exits staff are not li	olunteering pro revail in the ar Health and Saf pect volunteer	ea by the design ety regulations as to use commo	nity group prem nated host orga apply to all busi on sense and no	nises. Volunteers nisation prior to ness employees t to take undue n	will be alerte the commen as if employ risks. (Broket	ed to health cement of yo ees are in the ring agency's	and safety our project.	е
Signed by broker	ing agency rep	resentative						_
Position					Date	/	/	_
(Employer's name cancellation, (Emwithdrawal.	_	•		-	_			
Signed by team I	eader				Date _	/	/	

# 5.2. AGREEMENT BETWEEN BROKERING AGENCY, EMPLOYER AND HOST ORGANISATION

# Agreement between (Employer) (Host organisation) (Brokering agency) Project name Project date **Project time Brokering Agency contact details Employer contact details** Host organisation contact details Number of volunteers □ F M Gender of volunteers in numbers In the box, write the number of team members in that bracket Age band □ 15–19 20-29 30–39 40-49 50-59 $\Box$ 60+ **Host Organisation duties** Provide information on the type of work refreshments and first aid equipment Explain skill and experience requirements and Advise of alternative arrangements in case of bad health and safety regulations (point out the hazards, weather (if applicable) emergency procedures) for the project • Outline incidental costs and payment responsibilities Provide tools and other equipment • Communicate volunteering policies, code of conduct • Provide type of support and supervision to volunteers and restrictions/no go zones, including protocols on the day for client interactions, photographs and media/ Provide other facilities and services: toilets, promotions. Under no circumstances will (Brokering Agency's and Employer's name), their employees or agents be liable to (host organisation's name) in contract, tort, or any other principle of legal liability, for any loss whatsoever be it direct or indirect of profits, business, anticipated savings or for any indirect or consequential loss whatsoever. This clause shall survive the termination of this agreement. (Host organisation's name) agrees with the terms of this agreement Signed **Position** Date

# **Employer's duties**

- Pass information from the organisation to the volunteers
- Provide the emergency contact details for volunteers
- Advise volunteers on clothing and transport arrangements and food if applicable
- Respect Health and Safety requirements of the host organisation
- Provide incidental costs and payment responsibilities
- Outline expectations regarding media/promotions

(Employer's name) agrees with the term	s of this agreement.
Signed	
Position	/
<ul> <li>Brokering agency's duties</li> <li>Inform both Employer and Host Orga</li> <li>Communicate information between</li> </ul>	nisation on any changes of the project he Employer and Host Organisation
(Brokering Agency's name) agrees with	he terms of this agreement
Signed	
Position	Date / /

# 5.3. AGREEMENT BETWEEN INDIVIDUAL VOLUNTEER AND HOST ORGANISATION

Name of Host Organisation			
Contact details			
Host Organisation's representative			
Contact details			
Name of the Volunteer			
Contact details			
Name of the project			
Project description			
Background information			
Tasks to be completed by the volunte	eer		

# General information for the volunteer

- Fitness level
- Specific knowledge and skills
- Available facilities such as toilets, accommodation

# Host organisation's duties

- Tools and equipment to be provided
- Activity training arrangements made
- Health and safety briefing, including location of first aid kit
- · Volunteering restrictions policies, code of conduct and privacy provisions

# **Volunteer's duties**

- Provide information on any medical conditions or life threatening allergies or reactions, details of next of kin and emergency contact
- Follow the health and safety instructions
- Bring (clothes, food, drinks, tools or protective clothes, personal items such as sunscreen, sunglasses, water bottle, etc

# Health and safety information

- Hazard plan
- The nearest hospital and means of transfer

# Liability statement

~ /			
(V)	luntee	r's n	ıame

accepts that any medical costs associated with accidents are to be classified as non-work related and will be paid for by the ACC or other means and under no circumstances by the (host organisation's name). (Host organisation's name) does not accept any responsibility whatsoever for any personal accident or loss/damage to personal items or equipment for volunteers whilst they are engaged in the project.

Volunteer's signature	Date	/	/	
Host organisation's representative	Date	/	/	

18

# 6. LIST OF OTHER USEFUL RESOURCES

Guidelines for Guiding Principles and General Safety for Machinery: www.business.govt.nz/healthandsafetygroup

Noise and Work Resource Kit – Management of: www.business.govt.nz/healthandsafetygroup

How to implement safer workplace practices: A guide to workplace health and safety: www.acc.co.nz

Improving Workplace Safety and Health: www.business.govt.nz/healthandsafetygroup

Mana Mahi Guide to the Employment of People in Tangata Whenua, Community and Voluntary Sector Organisations: workplacewellbeing.org.nz/mana-mahi-resource

Keeping it legal: Legal Responsibilities of Voluntary Organisations in New Zealand: keepingitlegal.net.nz

# 7. USEFUL CONTACTS

Workplace Health & Safety Info-line 0800 209 020

Department of Labour's Occupational Health and Safety: http://www.business.govt.nz/healthandsafetygroup/

Includes resources on managing stress, managing volunteer's health and safety, and ensuring health and safety for volunteers on marae.

ACC Injury Prevention team 0800 THINKSAFE (844 657) thinksafe@acc.co.nz Provides info on the Act, ways to prevent injuries and illness in the workplace, including a range of resources for small businesses.

www.worksafereps.org.nz – Information on training opportunities and resources for health and safety representatives at the workplaces

www.privacy.org.nz – Website of Privacy Commission provides the resources and information on protection and respectful management of personal information.

# For Regional Volunteer Centre contacts visit:

www.volunteeringnz.org.nz/contact-vnz/regional-volunteer-centres/

# **Volunteering New Zealand**

PO Box 25333, Featherston Street Wellington 6011, New Zealand

+64 4 384 3636 office@volunteeringnz.org.nz Tweet us @VolunteeringNZ

www.volunteeringnz.org.nz

ISBN 978-0-473-18505-3

