



FACT SHEET

VOLUNTEERS

Under the new work health and safety (WHS) laws, effective from 1 January 2012, certain volunteer associations, volunteers and 'persons conducting a business or undertaking' (PCBUs) who engage volunteers will have new responsibilities.

Who should read this?

This fact sheet should be read by volunteer associations, volunteers and PCBUs.

What is a volunteer association?

In this legislation a volunteer association is a group of volunteers that has no employees and they are not considered as a PCBU. A group of volunteers that employs someone to carry out work is not a volunteer association, but rather a PCBU.

When is a volunteer a worker?

A volunteer is a worker when engaged by a PCBU to carry out work.

Your obligations

As a PCBU, you must ensure the health and safety of workers – including volunteers who you engage – consult with them on WHS matters, and provide them with the necessary information, training and supervision.

If you are an officer who is a volunteer, you must comply with health and safety duties, but you cannot be prosecuted for an offence as an officer. You may be held liable, however, if you do not comply with your duties as a 'worker' or 'other'.

As a volunteer, you must take reasonable care for your own – and other peoples' – health and safety. If you are engaged by a PCBU, you are a worker and must comply with any reasonable instructions, policies and procedures relevant to health and safety given by the PCBU.

What should I do?

- Be familiar with the work health and safety laws – visit safeworkaustralia.gov.au
- Review your current consultation arrangements to ensure they include workers who are volunteers.

Further information

For more information visit workcover.nsw.gov.au and go to 'New legislation 2012'.

To read the model *Work Health and Safety (WHS) Act*, draft model WHS Regulations and draft priority codes of practice, visit safeworkaustralia.gov.au

Disclaimer

This publication may contain occupational health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website (www.legislation.nsw.gov.au).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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