

Information for volunteers

Overview of your rights to a healthy and safe workplace.

The Work Health and Safety laws (WHS laws) aim to provide all volunteers with a healthy and safe workplace. It also aims to ensure you are fairly represented and consulted about health and safety issues in your workplace.

As a volunteer, you are entitled to the same health and safety protection as a worker.

Who is a volunteer?

A volunteer is a person who performs work on a voluntary basis, regardless of whether they receive out-of-pocket expenses such as travel and meal reimbursements.

Any other form of payment means a person is not a volunteer e.g. a paid director of a body corporate is not considered to be a volunteer.

What is work?

Whether an activity will be considered work may depend on a number of factors. However, the following features are more likely to indicate that work is being carried out:

- the activity involves physical or mental effort by a person or the application of a particular skill for the benefit of another person or themselves
- the activity is part of an ongoing process or project
- the activity is often performed for remuneration, and
- control is exercised over the person carrying out the activity by another person.

The activity may be work even though one or more of the features is absent or minor.

Formal, structured or complex arrangements are more likely to be considered work than ad hoc or unorganised activities.

Who is a PCBU?

A person conducting a business or undertaking (PCBU) is a new term that replaces 'employer' in the Northern Territory's old health and safety laws. In many cases PCBU still refers to an employer but it is also used to describe others such as contractors, designers, manufacturers, suppliers, importers, persons who install, construct or commission plant or structures, franchisees and self-employed people. It's a broad concept that aims to capture all types of working arrangements.

A volunteer association or not-for-profit organisation can also be a PCBU. If you volunteer for a business that has one or more paid workers, they are considered to be a PCBU.

Your duties as a volunteer

While you are at work you must:

- take reasonable care for your own health and safety, and that of others who may be affected by your work
- follow safety instructions given by the person conducting the business or undertaking e.g. your manager or coordinator
- cooperate with policies and procedures on work health and safety e.g. using equipment supplied such as adjustable workstations, safety boots or a high visibility vest.

Duties of a PCBU

If your volunteer association or not-for-profit organisation meets the definition of a PCBU, it has a duty to protect your health and safety at work and eliminate risks that may cause you harm, so far as is reasonably practicable.

If it isn't practicable to eliminate risks, they must be minimised using appropriate control measures. A PCBU must consult you on the measures being taken to ensure work is healthy and safe.

Reasonably Practicable

To work out what is reasonably practicable in a given situation; your PCBU must take account of each of the following factors:

- the likelihood of the relevant hazard or risk occurring (e.g. the probability someone could be injured by the work being done)
- the degree of harm that might result (e.g. fatality, multiple injuries, medical or first aid treatment, long or short-term health effects)
- what is known or ought reasonably to be known about the hazard or risk, and ways of eliminating or minimising the risk
- the availability and suitability of ways to eliminate or minimise the risk.

After taking these factors into account, they may also consider costs related to available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

Consultation

Your PCBU must consult with you, so far as is reasonably practicable, on issues affecting your health and safety e.g. when identifying hazards and assessing risks arising from work or proposing changes that may affect your health and safety.

You must be consulted and your views taken into account when making decisions about:

- ways to eliminate or minimise risks
- the adequacy of facilities provided for your welfare
- procedures for consulting
- resolving health and safety issues
- monitoring your health and safety and workplace conditions
- how to provide health and safety information and training to you.

Consultation must involve:

- sharing relevant health and safety information with you
- giving you a reasonable opportunity to express your views, raise health and safety issues and contribute to the decision making process
- taking your views into account

- providing information on the results of the consultation.

Representation

Workplaces have better safety outcomes when workers and volunteers have the opportunity to provide input before decisions are made. Worker representation mechanisms, listed below, give you a voice on health and safety matters and facilitate the duty PCBUs have to consult with you.

As a volunteer you can be a member of a work group, nominate to be a health and safety representative (HSR), vote in elections and be a member of a health and safety committee (HSC).

Work groups

A work group share similar workplace health and safety concerns and conditions. You can request your PCBU to set up a work group by requesting the election of an HSR.

Health and safety representatives (HSR)

An HSR represents the health and safety interests of a work group. A work group can have as many HSRs and deputy HSRs as agreed after consultation between you and your PCBU.

Health and safety committees (HSC)

An HSC facilitates cooperation between you and your PCBU in developing and carrying out measures to ensure health and safety at work. This includes health and safety standards, rules and procedures for the workplace.