



9 May 2014

▶ **Submission to the Transport and Industrial Relations Select Committee  
regarding the  
Health and Safety Reform Bill**

**(Submitted on-line)**

This submission is from Volunteering New Zealand<sup>1</sup>.

*We wish to appear before the committee to speak to our submission.*

We look forward to hearing from you

Yours sincerely

A handwritten signature in purple ink, appearing to read "Vanisa Dhiru".

Vanisa Dhiru  
Chief Executive  
Volunteering New Zealand  
Email: [vanisa@volunteeringnz.org.nz](mailto:vanisa@volunteeringnz.org.nz)  
+64 21 550497

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<sup>1</sup> This submission does not prevent Volunteering New Zealand from adding or changing its views if called before the Transport and Industrial Relations Select Committee.

## ► Background

### Volunteering New Zealand

1. Volunteering New Zealand is the “voice of volunteering” in Aotearoa. We are the only national association that focused on volunteering and volunteer management. In 2001 through request from the Community and Voluntary Sectors the New Zealand Government determined the need for a national organisation to lead, promote, support and represent volunteering in New Zealand.
2. Over the past 13 years, VNZ has raised the profile of volunteer management, volunteering and its value to New Zealand society through sharing stories, producing tools like the Best Practice Guidelines and Competencies for Managers of Volunteers.
3. We can see the big picture when it comes to volunteering in New Zealand as we work with numerous organisations across the voluntary and community sectors. This big picture view means we are best placed to give advice on matters related to volunteering.
4. We work to ensure that volunteering occurs within a positive environment where it is encouraged and fostered. We envisage a society that promotes, values and supports effective volunteering for the benefit of individuals and communities.
5. We have a membership of 60 national and regional member organisations that involve volunteers in their work programmes. We advocate on behalf of these organisations and other groups that are not members, but are aligned to our mission and values.

### New Zealand’s Voluntary Sector

6. New Zealand has more than 97,000 non-profit organisations, contributing 2.6% to GDP. This increases to 4.9% of GDP when taking into account the volunteer labour contribution and is similar to the contribution of the entire construction industry.
7. The most up-to-date data on the volunteer sector state that in New Zealand there are more than 1.2 million volunteers who give more than 270 million hours of unpaid labour to the sector. In 2008, 67% of the Community and Voluntary Sector workforce was made up of volunteers; 90% of New Zealand non-profit organisations employ no staff, and rely solely on volunteers<sup>2</sup>.

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## ► Volunteering New Zealand’s Submission

8. Current policy on community development and volunteering aims to ensure that volunteers have appropriate protection under law and that barriers associated with volunteering in legislation, policy and practice are reduced. As is stands, this Bill does not align with this policy as it creates too onerous a burden for completely volunteer run organisations and organisations hiring casual volunteers.
9. The current Government Policy on Volunteering was established in 2002. This document recognised that “volunteering is an essential element of civil society” and as such made several commitments to increase and enhance volunteering within government agencies.

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<sup>2</sup> From the *The New Zealand Non-profit Sector in Comparative Perspective*, 2008

10. For the purposes of this submission we list the relevant commitments below:
- a) ensuring that volunteers have appropriate protection under law
  - b) ensuring good practice in volunteer programmes which government directly manages
  - c) encouraging community and voluntary organisations to develop and maintain good practice in supporting and involving their volunteers
  - d) reducing barriers associated with volunteering in legislation, policy and practice.
11. The points made below, illustrate this inconsistency in more detail.

### **Definition of “person conducting a business or undertaking” should explicitly exclude organisations or groups that are completely volunteer based**

***We submit that organisations which are partially volunteer based should also be excluded as PCBU’s.***

12. As we read it, the intent of the Bill is that only persons conducting a business or undertaking (PCBU’s) are regulated. As defined in Section 13(2) of the Bill, volunteer associations are not considered PCBU’s.
13. In the Bill, volunteer organisations are classed as those who are completely volunteer based. This does not capture organisations that have any paid members of staff.
14. The Committee should recognise that organisations which are largely volunteer based but may have one or two employees which carry out administrative or other duties have a very different composition and set of needs to larger non-governmental organisations (NGOs). These NGOs often are better organised, have a larger resource based and have a workforce of paid employees that work alongside volunteers.

### **Responsibilities and penalties for non-compliance are too inhibitive for paid officers of voluntary organisations and for partially staffed organisations**

***We submit that the penalties for non-compliance listed in Part 4, Sub-Part 8 are too prohibitive for paid officers of voluntary organisations and for partially staffed organisations.***

15. The penalties have been increased significantly from those stipulated in current legislation. As it stands (with paid officers from voluntary organisations and partially-staffed voluntary organisations not explicitly excluded), the penalties for non-compliance within the Bill may too prohibitive and make volunteer managers less likely to undertake the service of volunteers.
16. This extra responsibility on volunteer board members will deter some volunteers from taking up board roles and will prove another burden for an already cash-strapped sector as board members will require more notification, resources and training to ensure their obligations are understood.

### **The status of on-going volunteers vs. casual volunteers is not currently clarified**

***We submit that casual volunteers should not fall under the scope of the Bill.***

17. Organisations that include or involve volunteers in their work (or *volunteer-involving organisations*) consider on-going volunteers as people who devote their time on a consistent basis to enable the completion of volunteer work and do not expect nor receive reward for their work. They are covered under the current Health and Safety Employment Act 1992 (HSE Act).

18. Those who volunteer on occasion and do not expect nor receive reward for their work are termed as *casual volunteers*, they are not currently covered under the HSE Act.
19. Casual volunteers generally volunteer with the understanding that their contribution is either needed for a specific period of time or are needed spontaneously and will thus be exposed to certain types of risk. Examples of this include people who volunteer following a natural disaster or for a street appeal or collection day.
20. As the Bill is currently drafted, Directors and Officers will automatically be liable for ensuring the health and safety of casual volunteers, this may make them more cautious in engaging casual volunteers especially where they cannot guarantee their safety. This cautiousness may outweigh the benefits that undertaking casual volunteers.
21. We believe that if the distinction was made that casual volunteers were exempt only for organisations that are entirely or predominantly volunteer in nature this may allay some of this cautiousness.
22. To mitigate health and safety risks for casual volunteers, we believe that everyone who volunteers should be actively encouraged to recognise their own responsibility to ensure their own safety and the safety of those they are working with when they initially sign up for volunteer work. This approach is more in line with the intent of the Bill.