



▶ **Submission to the Department of Internal Affairs on the 'Fire and Emergency New Zealand Bill'.**

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▶ **Contact Details**

This submission is by a group

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## ► **Background**

### **Volunteering New Zealand**

1. Volunteering New Zealand is the “voice of volunteering” in Aotearoa. Our vision is for a New Zealand that promotes, values and supports effective volunteering for the benefit of individuals and communities – and our mission is to promote, support and advocate for volunteering.
2. We are the only national organisation in New Zealand that focuses purely on volunteering. We hold the ‘big picture’ and are in a position to liaise, work with, and advise volunteers, government and business sectors. This helps ensure that volunteering occurs within a positive environment where it is encouraged and fostered.
3. Over the past 15 years, VNZ has raised the profile of volunteer groups, activities, and management. We promote volunteering and its value to New Zealand society through advocacy, sharing stories, and producing tools like the Best Practice Guidelines and Competencies for Managers of Volunteers.
4. 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 for other groups that are not members but are aligned to our mission and values.

### **New Zealand’s Voluntary Sector**

5. New Zealand has more than 114,000 non-profit organisations, contributing to 4.4% of GDP when taking into account the volunteer labour contribution, and is similar to the contribution of the entire construction industry.
6. The most up-to-date data on the volunteer sector states that in New Zealand there are more than 1.2 million volunteers who give more than 157 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>1</sup>.

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<sup>1</sup> From the *The New Zealand Non-profit Sector in Comparative Perspective*, 2008

## ▶ **Summary**

The Fire and Emergency New Zealand Bill (“the Bill”) sets out a new and enabling approach to strengthen and future-proof our fire services, and ensure the sustainability of the Fire Service’s vital volunteer work-force.

VNZ applaud all the parties involved in the development and delivery of this Bill from a volunteering perspective. In principle, we are very encouraged by the philosophy, expectations and understanding of how volunteers extensively contribute to the New Zealand Fire Service.

VNZ also notes and endorses the considerable consultation and work undertaken by the UFBA in respect to the Bill and more generally for the significant number of volunteers the UFBA represents. The UFBA are members of Volunteering New Zealand.

## ▶ **Issues**

### **1. Board leadership of the voluntary firefighting workforce**

In Section 9, we note that the Board consists of not fewer than 5, and not more than 6, members. VNZ hopes that for the Fire Service to be fit for purpose, appointees to the Board will have a demonstrated commitment to ensuring volunteer resilience and sustainability.

### **2. Coordination of the voluntary firefighting workforce**

VNZ is delighted to understand that the NZ Fire Service’s Volunteer Resilience team are applying the Volunteering New Zealand [Best Practice Guidelines](#) as a basis for approaching volunteer best-practice within the Fire Service. The Guidelines provide a framework for organisations to assess their capability and capacity across the following four domains:

- How are volunteers viewed internally by the organisation?
- What steps can the organisation can take to involve and recognise volunteers?
- How does the organisation identify the support and resources needed for a strong volunteer programme?
- Do people with responsibility for volunteers have sufficient resources to effectively do their job?

We would also like to take this opportunity to reiterate the Government’s Policy on Volunteering (2002) where the Government commits to “ensuring good practice in volunteer programs which government directly manages”.<sup>2</sup>

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<sup>2</sup> Government Policy on Volunteering (2002).

### **3. Volunteering overhead**

Volunteering is not a cost neutral exercise. Volunteers often make economic and/or social decisions to forego loss of income and/or personal time. Employers, and the families of volunteers also inevitably “pay” in similar ways.

Recommendation 16 of the Swain Report is for protection for the employers of volunteers from financial disadvantage when staff are responding to events of long duration.<sup>3</sup> For Fire Service volunteers, the demands on their time are particularly high, as most volunteer firefighters are effectively on call 24 hours a day.

When volunteer-involving organisations do not reimburse (or provide an inefficient and ineffective platform for reimbursing) volunteers, we are persisting in unequal opportunity and undermining the true cost of service delivery.

While volunteering has its roots in an affluent upper-class giving their time, this Bill provides the opportunity to ensure the opportunity to volunteer is equally available to all, including prospective volunteers from our more economically disadvantaged communities.

VNZ therefore believes that it is critical that the Select Committee consider how the “overhead” associated with volunteering (e.g. expense reimbursements, lost income, family-care etc.) is considered, and factored in to the Bill (and/or the Regulations).

VNZ also finds it curious that “the Bill provides that the existing paid and volunteer workforce will retain its existing entitlements”, but does not reference future volunteers being privy to these same entitlements?

### **4. Mediation and dispute resolution**

Volunteering New Zealand notes that the Bill provides for dispute resolution procedures to be developed through the Regulations. However, we would like to point out the current VNZ position on dispute resolution in support of these forthcoming Regulations.

Volunteers have largely the same protections as employees under the Human Rights Act 1993, and the Health and Safety at Work Act 2015. This provides some protection against discrimination and workplace bullying; volunteers who are discriminated against may complain to Human Rights Commission; and volunteers subjected to workplace bullying may report the behaviour to WorkSafe NZ. Volunteers may also have a right to natural justice under s 27 of the New Zealand Bill of Rights Act 1990. This means that volunteer managers must act fairly towards their volunteers, particularly where they are considering dismissing the volunteer.

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<sup>3</sup> Swain, P (2012) *Report of the Fire Review Panel*. Department of Internal Affairs. Wellington, New Zealand.

However, there are significant gaps in the protections available to volunteers in the workplace. As noted in section 34(3) of the Bill, Section 6(1) of the Employment Relations Act 2000 specifically excludes volunteers from the application of the Employment Relations Act. This means that, in particular, there is no obligation for volunteers and their managers to deal with each other in good faith, and there is no statutory recourse for volunteers who are unjustifiably dismissed. Volunteers in such a position must rely on their employer's internal processes for a remedy. While in some cases a remedy in contract law could potentially be found, pursuing such a claim would be costly, time consuming, and have no guarantee of success.

While volunteers are able to report workplace bullying to WorkSafe, they have few options if they encounter other undesirable behaviour which does not reach the threshold of workplace bullying. For employees in such a situation, MBIE provides a mediation service; however, they are not required to provide this service to volunteers. This means the only remedy available to a volunteer would be to seek mediation elsewhere, which could be very costly.

In summary, volunteers have inconsistent and limited protections under current legislation. While volunteers are protected from discrimination and entitled to the same safe working environment as employees, they do not have a statutory remedy for unjustified dismissal, they do not have a right to be dealt with in good faith, and they do not have access to the same government services as employees.

Therefore, Volunteering New Zealand looks forward to observing how mediation and dispute resolution regulations will be considered, and factored in to the Bill (and/or the Regulations) with considerable input from volunteers *and* with any organisations providing independent advocacy and support services.

## ► **Conclusion**

Overall, Volunteering New Zealand supports the new Fire Services model. We strongly believe the direct relationship between volunteer firefighters will provide better coordination and leadership of the volunteer firefighting force, and hope that the dispute resolution procedures included in the Bill will provide a model to other volunteer involving organisations.

Volunteering New Zealand is happy to present to the Select Committee should it be beneficial to clarify/extrapolate any point referenced in this submission.