

Vision Australia

Volunteer's PowerPoint Presentation

[Workers holding banner with Text: Work Health and Safety: What it means for volunteers]

Narrator:

Work Health and Safety: What it means for volunteers. This presentation contains important information for volunteers on the Work Health and Safety laws. The document the *Essential Guide to Work Health and Safety for Volunteers* supports this presentation, providing more advice for volunteers on the new laws and is available from the Safe Work Australia website, www.safeworkaustralia.gov.au.

[Slide with title: Work health and safety: What it means for you]

Work health and safety: what it means for you. In this presentation we will cover what is work health and safety, who is covered by the laws, what you need to know and do, information on volunteer officers, talking about work health and safety, what to do if something happens and where to go for more information.

Now, let's get started. Everyone has a right to be safe at work, including volunteers. Volunteers play a vital role in communities across Australia and the work health and safety, or WHS laws, help to protect them. Before the 1st of January 2012, WHS laws used to be different across the country. In some jurisdictions, or states and territories, volunteers were given the same protection as paid workers. In other jurisdictions volunteers were considered visitors or 'others' in the workplace.

After the 1st of January 2012, the Commonwealth and most of the states and territories adopted the new WHS laws - harmonising them across jurisdictions. These new laws gave volunteers the same status and protections as any other paid worker. Regardless of which jurisdiction you volunteer for, the information in this presentation will help you understand your work health and safety rights and responsibilities.

[Slide with title: What is Work Health and Safety?]

So what is work health and safety? Work health and safety or WHS affects all Australian workplaces. It used to be known as occupational health and safety or OHS. If you are a volunteer, a paid worker, a work experience student, a contractor or any other type of worker, you have a right to have your health and safety protected when you are working.

The people you help when you volunteer, for example 'clients', also have a right to have their health and safety protected. The organisation you volunteer for has rights too. This means the organisation has a right to expect that workers, volunteers and visitors take care and co-operate with the work health and safety rules.

Under WHS laws the rights of volunteers, workers and the organisation are protected.

[Slide with title: Work health and safety laws]

As mentioned earlier, on the 1st of January 2012, jurisdictions started to align or harmonise their WHS laws. The WHS laws provide a consistent framework to secure the health and safety of workers, including volunteers, and workplaces wherever they are in Australia.

Some of the ways the laws do this is by; protecting workers and volunteers from harm by requiring duty holders, for example employers or organisations, to eliminate or minimise, depending on the situation, the risk associated with work; providing for fair and effective representation, consultation, cooperation and issue resolution; promoting the availability of advice and education about work health and safety; and providing a framework for continuous improvement and progressively higher standards of work health and safety.

The main responsibility or duty to ensure health and safety at work is placed on 'persons conducting businesses or undertakings' or PCBU's. PCBU's are an employer and may be the

organisation you volunteer for. In this presentation PCBU's will be referred to as an 'organisation'.

The WHS laws require organisations to think about and implement ways, to give workers and volunteers the highest level of protection against harm to their welfare, health and safety at work, so far as is reasonably practicable. Reasonably practicable is the legal term used to limit or qualify some work health and safety duties. For example, if something is reasonably practicable it means it is, or was at a particular time, reasonably able to be done.

Although Australia's WHS laws are being harmonised, each jurisdiction still regulates and enforces WHS law.

[Slide with title: Who is covered by WHS laws?]

The WHS laws. Organisations that employ paid workers are covered by the WHS laws. It is likely that you are listening to this presentation because your organisation falls into this category. If you are unsure please contact the organisation you volunteer for.

Workers are also covered under the WHS laws. The definition of 'worker' in the WHS Act also includes volunteers. 'Volunteers' are defined as people who work without payment or reward but may get reimbursed for out of pocket expenses. Basically this means if you volunteer for an organisation that employs paid workers you are covered by the WHS laws.

Both workers and organisations have a duty under the WHS laws. For workers, which include volunteers, it means you have a duty to take reasonable care when performing your tasks. For organisations it means ensuring, so far as is reasonably practicable, that the health and safety of people is not at risk when they carry out work for the organisation.

[Slide with title: Who is not covered by the laws?]

Who isn't covered by WHS laws? Volunteer Associations are not covered by the WHS laws so don't owe their volunteers work health and safety duties. 'Volunteer Associations' are defined as groups of people working together for a community purpose, for example a family history society. Unlike Volunteer Organisations, Volunteer Associations don't employ paid workers.

If you volunteer for a Volunteer Association you don't have duties under the WHS laws but you should undertake any tasks given to you in a safe way.

[Slide with title: What you need to know]

So what do you need to know?

Under WHS law the term 'health' includes physical and mental health. What this means is the organisation you volunteer for has to ensure that, so far as is reasonably practicable, you are also safe from both physical and psychological injuries, for example bullying.

As mentioned earlier in this presentation, the organisation you volunteer for has the primary duty under the WHS laws to protect your health and safety, so far as is reasonably practicable, when you carry out work.

This means that they must do what is, or was at a particular time, reasonably able to be done to ensure your health and safety and includes considering: what could happen to you at the workplace; how likely it is to happen; how bad it might be if it does happen; what can be done to eliminate or minimise the risk; and the cost of eliminating or minimising the risk.

The organisation must also manage risks to your health and safety by eliminating them, so far as is reasonably practicable. If they can't eliminate the risk the organisation must minimise those risks so far as is reasonably practicable.

It's important to note that the organisation you volunteer for doesn't need to guarantee your safety, they just need to do what is reasonably practicable to keep you safe.

To meet their WHS requirements an organisation might: give you instructions or training on how to do your work safely; ensure that the any machinery or plant that you use meet safety standards; provide you with personal protective equipment; or confirm that you have the

relevant qualification to carry out the work they give you. For example, first aid certificates or current and valid driver's licence.

[Slide with title: What you need to do.]

Now the next thing you need to know is what you need to do.

As a volunteer YOU have a duty under the WHS laws to take reasonable care for your own health and safety. You also need to: take reasonable care to ensure you don't affect the health and safety of others, for example other volunteers, members of the public or clients; carry out your tasks in a safe way; follow the reasonable instructions given to you by your organisation; cooperate with the reasonable work health and safety policies and procedures of your organisation.

What is meant by reasonable care? Reasonable care means doing what a reasonable person would do in the circumstances having regards to things like: your knowledge; your role; your skills and the resources available to you; your qualifications; the information that you have; and the consequences to health and safety of a failure to act in the circumstances.

[Slide with title: Taking reasonable care, and image of stop sign]

Taking reasonable care.

Taking reasonable care is simple. Just follow all reasonable instructions given to you as much as possible, cooperate with any reasonable policy or procedure given to you by the organisation you volunteer for, and talk to your managers if you have any concerns about your own or others' health and safety at work.

Other ways of making sure you take reasonable care include: carrying out tasks within the role you have been given; not doing tasks that you don't have the skills to do; and not doing anything that would be obviously unsafe.

Some examples of the things you can do include reading, understanding and cooperating with the policies and procedures provided to you by the organisation you volunteer for, letting the volunteer organisation you work for know if you can't work, for instance if you are tired and your volunteer work involves driving, and making sure you and your clients wear seatbelts and obey road rules when you drive.

Now, let's work through an activity. You may want to pause this presentation after each question to give yourself or your group some time to think and talk about each question.

Think of some of the ways you take reasonable care of your health and safety when volunteering.

[Pause]

What are the hazards and risks you encounter when volunteering?

[Pause]

Does the organisation you volunteer for have policies and procedures for some of the work you do?

[Pause]

Do you follow these policies and procedures?

[Pause]

[Slide with title: WHS laws and volunteers]

WHS laws and volunteers.

You may be wondering if you can be prosecuted under the WHS laws? If you take reasonable care when volunteering for your organisation you cannot be fined or prosecuted under the WHS Act. In some jurisdictions work health and safety duties have been placed on volunteers for more than two decades but there have been no reported prosecutions of volunteers. Likewise there have been no prosecutions of volunteers under the new WHS laws. Even prosecutions against

paid workers in the past have been rare and only in relation to serious incidents where there was a high degree of personal recklessness.

It is expected that WHS Regulators will take the same approach under the new laws and that prosecutions of workers and volunteers will be as rare as they have in the past.

[Slide with title: Talking about work health and safety]

Talking about work health and safety.

We've discussed the duty of an organisation to ensure your health and safety and also your duty as a volunteer to take reasonable care. Now we're going to discuss how the organisation you volunteer for must consult with you about work health and safety.

Organisations are required to consult with all their workers, including volunteers, about work health and safety matters. Consultation must include giving you the opportunity to provide ideas about how to make you and others as safe as possible when you are volunteering. An organisation can consult with you in a number of ways.

For example, an organisation with a large number of workers might have structured consultation arrangements in place like health and safety committees. An organisation that engages contractors, on-hire workers or volunteers may have less formal consultation arrangements in place, such as toolbox talks or short discussions about a specific health and safety topic.

There are, of course, other ways organisations can consult. These include sending out a regular newsletter via mail or email which features work health and safety news, information and updates; regularly updating the volunteer section of its notice board or website with information, including its latest safe work policies and procedures; having a suggestions email box for you to send suggestions about work health and safety or other issues; holding regular meetings to talk about how to do the work in the safest way, including information about emergency procedures.

Some workplaces may use a mix of consultation tools to suit different types of workers and working arrangements. If your organisation has effective consultation arrangements in place between managers and workers including volunteers they do not need to establish new ones. Working together is the best way to protect everyone's health and safety at work.

[Slide with title: What if something happens?]

What if something happens?

While unlikely, if something does happen and you or someone else is injured while you are volunteering, let the organisation you volunteer for know immediately. This can be as easy as telling your supervisor or manager. The WHS laws require the organisation you volunteer for to let the WHS Regulator know if any notifiable incidents occur as soon as possible.

A 'notifiable incident' is a serious incident that is related to the work your organisation carries out and involves: the death of a person; the serious injury or illness of a person, this usually requires immediate medical treatment; or a dangerous incident that exposes people to serious risk, for example the collapse of a structure or the accidental release or spill of a dangerous chemical. To help determine what type of incident must be notified 'serious injury or illness' and 'dangerous incident' are defined in the WHS Act.

Even if something happens that isn't as serious as a notifiable incident you should still let the organisation you volunteer for know. They may even have policies requiring you to report these things.

[Slide with title: Issue resolution]

Issue resolution.

What if there is a health and safety issue? There is also a duty under WHS law for organisations to develop procedures for resolving health and safety issues, for example when there is a disagreement about how best to deal with an identified hazard or risk. In these situations everyone involved must communicate or meet and attempt to resolve the issue.

If a work health and safety matter is still not resolved after following the procedure, an inspector from the WHS Regulator may be called to attend the workplace to assist in resolving the issue.

[Slide with title: Volunteer Officers]

Okay, now let's talk about Volunteer Officers. Some volunteers may sit on the board of an organisation or be in a role where they make, or participate in making, decisions that affect the whole or substantial part of the organisation they volunteer for. The decisions they make may also significantly affect the organisation's financial situation. Only if a volunteer is involved making these decisions are they an 'officer' under the WHS Act.

Under the WHS laws an officer of an organisation is not necessarily a volunteer or other worker who has the word 'officer' in their job title. For example, 'first aid officer', 'health and safety officer' or an 'administrative officer'.

If you are a volunteer officer you need to exercise due diligence to ensure that the organisation complies with its health and safety duties. This means you must ensure the organisation has safe systems of work in place and you must actively monitor health and safety management within the organisation.

Exercising due diligence as an officer also means that you must take reasonable steps to continuously learn about and keep up to date with work health and safety matters, and have an understanding of the nature of the work the organisation does, and stay aware of the risks workers and volunteers may face when working for the organisation.

Officers might meet their duties by doing things like: talking about work health and safety matters at board meetings; making sure there are processes for reporting incidents and consulting with volunteers and other workers about work health and safety issues; asking about the organisation's policies and procedures and checking they help the organisation meet its work health and safety duties; finding out about and remaining aware of what workers, including volunteers, do within the organisation and the dangers they might face at work; and seeking advice about specific work health and safety issues.

A volunteer officer can't be prosecuted for failing to comply with their officer duties under WHS law. This immunity for volunteer officers is designed to ensure that voluntary participation at the officer level is not discouraged.

That said, if a volunteer officer doesn't take reasonable care in their capacity as a worker, then they can be prosecuted as a worker.

[Slide with title: Things to remember]

Things to remember.

In summary, there are a few things to remember about work health and safety.

Firstly, the WHS laws are designed to provide you, as a volunteer, with the highest level of protection. The organisation you volunteer for has responsibility to ensure it does all it reasonably can to keep you safe when you are working for them. If an organisation is found to have not met this duty, they can be fined or prosecuted.

Secondly, a safe workplace is most effectively achieved when everyone contributes to finding ways to manage risk and works together to keep the workplace safe. And lastly, if you take reasonable care as a volunteer worker you can't be prosecuted or fined. In fact, the prosecution of volunteers is quite unlikely under the WHS laws.

[Slide with title: Want more information?]

Want more information? For more information on work health and safety and the WHS laws ask the organisation you volunteer for, contact your state or territory WHS regulator, or visit the Safe Work Australia website – www.safeworkaustralia.gov.au.

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