

## **Model Work Health & Safety Act**

Volunteers are an integral part of the life of our churches and we may forget they are not dissimilar to the paid pastoral staff. However, left unprotected, volunteers' willingness to continue providing the vital role within our churches may be in jeopardy. Left unprotected, the valuable work and contributions of our volunteers could be harmed by a well-intending volunteer who has never received the necessary duty of care and training. Left unprotected, your church may find itself in legal hot water and with monetary penalties to pay because the individuals you've treated as volunteers are really *employees* according to the new Work Health and Safety Act (WHS Act).

### ***Why do we need to protect volunteers?***

In addition to the general protection afforded by Australian law, states and territories have extended protections under occupational health and safety laws to volunteers who work in employment-like settings.

### ***What does your church need to do to comply with the model WHS Act?***

Under the new WHS Act the primary duty of care for work health and safety is imposed on a person conducting a business or undertaking (PCBU). The duty is to ensure, so far as is reasonably practicable, the health and safety of workers, including volunteers, engaged in work for the business or undertaking.

A volunteer organisation that is a PCBU must do what is reasonably practicable to ensure that its workers are healthy and safe. The duty is owed to 'workers' generally including employees, contractors and subcontractors, apprentices, work experience students and volunteers. It is not an absolute duty to ensure that no harm occurs.

What is 'reasonably practicable', is that which is, or was, reasonably able to be done in relation to ensuring health and safety, taking into account all relevant factors.

### ***Consulting with volunteers***

There is a legal duty under the WHS Act for PCBUs to consult workers, including volunteer workers, in relation to health and safety issues. Consultation is an effective way of ensuring volunteers contribute to the identification of hazards, and the assessment and control of risks they face in carrying out their work.

### ***What are the risks to volunteers engaging in work?***

Volunteers, like other workers, face a wide range of possible risks and injuries from carrying out work. Such injuries may be physical or psychological and can result from common activities carried out by volunteers undertaking community services. The level of care that is required will depend on individual circumstances, such as the age of the volunteer, where the work is carried out and the relationship between the duty holder and volunteer.

Psychological injury and illness can be caused by the demands of the work, for example due to:

- the lack of control the volunteer has over the work
- the workload the volunteer carries
- challenging client behaviour that the volunteer is confronted with
- lack of clarity in the volunteer's role, or
- poor management of organisational change.

Physical injury or illness can be caused by work equipment or the working environment for example by:

- electrocution or electric shock
- contact with moving machinery parts
- contact with hot or cold parts
- excessive noise from machinery
- fire caused by faulty wiring, or
- falls from working at heights.

Illness can also result from contact with hazardous chemicals, for example, due to:

- lack of information and training provided about the health effects of hazardous chemicals
- hazardous chemicals not labelled or not labelled correctly
- hazardous chemicals not replaced with less hazardous chemicals, and
- exposure to asbestos or other hazardous substances.

Injury or illness can be caused by working in unsafe or unhealthy work environments, for example, due to:

- a. unsafe or unstable structures
- b. unsafe entrances, exits, steps, stairs, and ramps
- c. slippery and uneven floor surfaces
- d. cramped work spaces
- e. uncomfortable workplace temperatures including being too hot or too cold
- f. poor ventilation, excessive noise or insufficient lighting
- g. non-ergonomic work stations, and
- h. insufficient and/or non-hygienic kitchen facilities or toilets and hand basins.

The duty to take reasonably practicable steps to ensure the health and safety of workers, means a PCBU needs to identify the hazards and assess the risks associated with the type of work that its workers and volunteers carry out. Some specific examples of the types of environments volunteers work in and the tasks they carry out that should be assessed for risks, follow.

### ***As a volunteer, do I have duties under the model WHS Act?***

People who are 'workers' have duties under the WHS Act. As a volunteer worker, you only have duties if you carry out work for an organisation which is a PCBU.

If so, you have the same duties as other 'workers' at the workplace:

1. to take reasonable care for your own health and safety
2. to take reasonable care that your conduct does not adversely affect the health and safety of others

3. to comply with any reasonable instruction that is given to you by the PCBU (to help it to comply with the WHS Act), and
4. to cooperate with any reasonable policy or procedure relating to health and safety at the workplace.

If you are a coordinator or manager of volunteers and you work in a paid role, you will have the same duties to take reasonable care as other 'workers'.

### ***Is there a responsibility on the volunteer under the WHS Act?***

Volunteers who carry out work for PCBUs are required to take reasonable care for their own health and safety. Like any other duty holders who do not comply with their duties under the WHS Act, workers, including volunteer workers, can be prosecuted. This is the same for any person, including a member of the public, who visits a workplace and is required to take reasonable care for their own health and safety.

*More information about risk management can be found in the model How to Manage Work Health and Safety Risks Code of Practice and from work health and safety regulators.*

*For information about when volunteers are covered and what they need to do to comply with the model work health and safety laws, see the Safe Work Australia fact sheet Volunteers and the model Work Health and Safety Act.*

[www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)

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