Community service volunteer boards and committees

Being a volunteer

Naturally, you will be concerned about your own health and safety as a volunteer as members of voluntary boards often suffer stress and burn-out. This can be prevented or the risk reduced by:

• gathering resources from similar organisations about the role of the board and setting aside time in a board meeting to discuss the members’ health and safety guidelines published by WorkSafe Victoria.

• organizing for your board members to attend formal training on risk and responsibilities, both health and safety obligations, and risk assessment and control measures.

• arranging for an experienced board member from another community organisation on the community sector to address your board on its role and responsibilities. Members of your organisation with experience in areas such as health and safety, risk assessment and control measures may also be willing to pass on their knowledge and skills.

• holding a board retreat with key stakeholders, employees and volunteers to talk about where the organisation is heading and what support the board needs to lead it.

• setting up systems for inducting new board members into their role (including outlining their responsibilities) and for providing them with the ongoing support they need.

More information

The following publications are available from worksafe.vic.gov.au

• Occupational Health and Safety in Community Services

– A handbook for workplaces. This fact sheet addresses both aspects.

– Volunteer health and safety in community service organisations

– Occupational Health and Safety in Community Services: Working safely in community services

This fact sheet provides information in relation to your health and safety obligations under the Occupational Health and Safety Act 2004 (Vic) only. You should seek advice about other legal duties that may apply to your organisation.

Being a board member

You have a number of health and safety obligations as a board member. The nature of the obligations depends on the type of organization you are involved with.

If your organization has employees (ie it is an employer), it has health and safety duties towards those employees. Those duties are set out in the OHS Act and the Occupational Health and Safety Regulations 2007 (the Regulations). Under the OHS Act, employees are required to take reasonable care for their own health and safety, and for the health and safety of others who may be affected by their acts or omissions. Employees are also required to comply with the OHS Act and the Regulations.

If your organization has volunteers only (ie no employees), it’s good practice to make sure their health and safety is looked after the same way as employees. This will help you... recruiting and training new ones. It will also protect your organisation from risks to its reputation and legal action.

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Nature of the obligations

• The term ‘board member’ includes board or committee members of a governing body or management committee.

• The term ‘employee’ includes either paid or non-paid employees and independent contractors who are not agents of the employer, as defined by the OHS Act (ie those employees in a company’s control for the purpose of carrying on its business and who work for the company and are paid a regular wage or salary). WorkSafe’s Occupational health and safety in boards has more information about the role and responsibilities of board members who look after the health and safety of employees and others.

• Board members should provide leadership on health and safety in the organization and know their organization’s health and safety obligations. They should also take:

– everyone in the organization knows their health and safety responsibilities;

– health and safety responsibilities are considered when decisions are made;

– employees are consulted on all aspects of their health and safety;

– the organization’s systems for improving health and safety are regularly monitored and reviewed.

If your organization has volunteers only (ie no employees), it’s good practice to make sure their health and safety is looked after the same way as employees. This will help you protect your organization from risks to its reputation and legal action.

WorkSafe, Volunteer health and safety in community service organizations – A handbook for workplaces has more information about how to look after the health and safety of your volunteers.

Edition No. 1 October 2008
About the organisation

Northern Kids Pty Ltd operates six kindergarten centres in the northern suburbs of Melbourne. Each kindergarten is licensed by the local council and operates under the name of Northern Kids Pty Ltd.

Northern Kids Pty Ltd is run by a board of management comprising volunteers with many years of experience in the pre-school sector. The board sets the company’s overall strategic direction, holds the CEO accountable for the management of the company and makes key financial decisions. The board also sets policies and procedures that determine how all the kindergartens are operated.

Northern Kids Pty Ltd employs managers to run each of its kindergartens. Each kindergarten also has its own local management committee, recruited from the parents of children currently attending the centre. The management committees liaise between parents of their local centre and Northern Kids Pty Ltd and make recommendations to the organisation about issues such as enrolment, staffing and facilities.

OHS issue at Broadmeadows kindergarten

Recently, staff at the Broadmeadows kindergarten noticed friable asbestos containing material in the centre’s kitchen. A brief search of the centre revealed that volunteers, workers and children that attended the centre were at risk of inhaling asbestos fibres. The centre manager liaised with the CEO of Northern Kids Pty Ltd and the centre manager of the Broadmeadows centre.

Managing the OHS issue

As soon as the Northern Kids Pty Ltd board of management became aware of the issue raised by the Broadmeadows kindergarten, they asked the CEO to brief them about the assessment that had been made in relation to any risks arising from asbestos. They also made it a requirement that the CEO ensure all steps were taken to control the risks in accordance with the Occupational Health and Safety Act 2004 and the Occupational Health and Safety Regulations 2007 that apply to Northern Kids Pty Ltd.

The board of management requested the CEO provide an update on the progress of the issue at each board meeting. It also directed the CEO to ensure staff of the Broadmeadows kindergarten were consulted about the proposed risk control actions.

Details of Northern Kids Pty Ltd and the local centre

As Northern Kids Pty Ltd is an ‘employer’ under the OHS Act, it has a duty to ensure its employees, volunteers and other persons at the workplace are not exposed to health and safety risks through their work, so far as is reasonably practicable.

Northern Kids Pty Ltd – CEO and the legal entity

The Broadmeadows kindergarten is not a legal entity separate from Northern Kids Pty Ltd and has no separate duties under the OHS Act.

The local management committee, as soon as they became aware of the issue, ensured the Broadmeadows centre manager reported the asbestos concern to Northern Kids Pty Ltd’s management. They also made sure the actions required by Northern Kids Pty Ltd management to control the risk were implemented by the centre manager (Guddled following up by asking the centre manager to report any progress and outcomes to the centre’s management committee).

The local management committee resolved that if they had any concerns about the effectiveness of Northern Kids Pty Ltd efforts to address the risk, they would report them immediately to the CEO and Northern Kids Pty Ltd board of management.

Broadmeadows kindergarten – Centre manager

The CEO should:

• have a thorough knowledge of the organisation’s health and safety obligations
• report regularly to the board about the organisation’s health and safety performance
• establish OHS systems that help the organisation comply with its legal duties (including the duty to consult with employees about OHS)
• regularly monitor and review the organisation’s OHS system and performance
• deal with issues of qualified persons to ensure they meet the legal duties that prevent or minimise any risk to health and safety
• take health and safety implications into account when making decisions or recommendations to the board of management.

Northern Kids Pty Ltd (the entity) should:

• report to volunteers the role and any relevant boundaries and provide written information that clearly sets out these out
• include health and safety in volunteer induction programs and any training sessions carried out on the centre’s behalf
• establish a chain of command for the volunteer work and inform volunteers who to report health and safety issues to
• provide volunteer facilities without health and safety risks, or as far as is reasonably practicable.
As Northern Kids Pty Ltd is an ‘employer’ under the OHS Act, it has a duty to ensure its employees, volunteers and other persons at the workplace are not exposed to health and safety risks through their work, so far as is reasonably practicable.

Case study: Northern Kids Pty Ltd

The company also has duties under the asbestos part of the Regulations. Northern Kids Pty Ltd (through the CEO) conducted an asbestos audit and developed an asbestos register for Broadmeadows kindergarten. This register was updated as asbestos-containing material was discovered in the centre's kitchen. Norther Kids Pty Ltd notified the local management committee and the Broadmeadows kindergarten centre manager of this finding. The centre manager raised the issue with the local council that leases the premises to Northern Kids Pty Ltd. The local council ordered Northern Kids Pty Ltd to ensure the asbestos was removed, after consulting with the staff and volunteers.

Broadmeadows kindergarten – Centre manager and local management committee

The Broadmeadows Kindergarten is a not-for-profit incorporated association (the entity). The centre manager, as well as the local management committee, has the legal obligation that their premises do not pose any risk to employees and volunteers.

The centre manager should:

- have a thorough knowledge of the organisation’s health and safety obligations
- ensure their organisation complies with the organisation’s OHS system and procedures
- take health and safety implications into account when making decisions and recommendations
- ensure the centre’s compliance with its legal duties (including the duty to consult with employees about OHS)
- take health and safety implications into account when making decisions and recommendations
- ensure the centre’s compliance with the OHS system

The local management committee should:

- familiarise themselves with the organisation’s health and safety responsibilities to staff and volunteers
- monitor and review the Broadmeadows centre’s compliance with OHS systems and procedures
- develop knowledge about the organisation’s health and safety obligations
- develop knowledge about the organisation’s OHS systems and procedures that determine how the OHS issue is addressed
- ensure that all members of the centre’s management committee exercise their health and safety responsibilities
- make recommendations to the board of management
- hold the CEO accountable for ensuring that OHS systems are monitored and reviewed regularly
- hold the CEO accountable for maintaining the OHS systems in order to demonstrate the centre’s compliance with its legal duties.

The Board should:

- have a thorough knowledge of the organisation’s health and safety obligations
- report regularly to the board about the organisation’s health and safety performance
- develop OHS systems that help the organisation comply with its legal duties (including the duty to consult with employees about OHS)
- ensure that the centre’s management committee’s compliance with OHS systems and procedures are monitored and reviewed regularly
- take health and safety implications into account when making decisions and recommendations
- ensure the centre’s compliance with its legal duties.

Figure 1: Overview of legal duties and responsibilities at Northern Kids Pty Ltd

As Northern Kids Pty Ltd is an ‘employer’ under the OHS Act, it has a duty to ensure its employees, volunteers and other persons at the workplace are not exposed to health and safety risks through their work, so far as is reasonably practicable.

About the organisation

Northern Kids Pty Ltd operates six kindergarten centres in the northern suburbs of Melbourne. Each kindergarten is leased from the local council. Northern Kids Pty Ltd manages and controls all of its kindergartens.

Northern Kids Pty Ltd is managed by a chief executive officer (CEO), who reports to a board of management comprising volunteer members. There is a volunteer chair of the board of management. The role of the chair is to ensure members act in the best interests of the organisation.

The board of management makes decisions on behalf of Northern Kids Pty Ltd. The board of management reviews the organisation’s OHS system and reports on its effectiveness to the CEO of Northern Kids Pty Ltd. A report is made to the board every six months. The CEO also liaises with the local council that leases the premises to Northern Kids Pty Ltd.

Northern Kids Pty Ltd employs managers to run each of its kindergartens. Each kindergarten also has its own local management committee, recruited from the parents of children currently attending the centre. The management committee liaises between parents of their local centre and Northern Kids Pty Ltd and makes recommendations to the organisation about issues such as enrolment, staffing and facilities.

Northern Kids Pty Ltd

- Must provide a healthy and safe workplace for employees at all times
- Must ensure that the centre’s OHS systems and procedures are implemented in a safe manner
- Must not expose volunteers to risks to their health or safety
- The Board sets organisational strategy and monitors organisational performance
- The CEO develops, implements and monitors the OHS system and reports to the Board
- The local management committee monitors and reviews the organisation’s OHS system
- The centre manager develops, implements and monitors the OHS system
- Volunteer members of the local management committee

Volunteer members of the local management committee should:

- familiarise themselves with the organisation’s health and safety responsibilities to staff and volunteers
- monitor and review the Broadmeadows centre’s compliance with OHS systems and procedures
- develop knowledge about the organisation’s health and safety obligations
- develop knowledge about the organisation’s OHS systems and procedures that determine how the OHS issue is addressed
- ensure that all members of the centre’s management committee exercise their health and safety responsibilities
- make recommendations to the board of management
- hold the CEO accountable for ensuring that OHS systems are monitored and reviewed regularly
- hold the CEO accountable for maintaining the OHS systems in order to demonstrate the centre’s compliance with its legal duties.

The Board should:

- have a thorough knowledge of the organisation’s health and safety obligations
- report regularly to the board about the organisation’s health and safety performance
- develop OHS systems that help the organisation comply with its legal duties (including the duty to consult with employees about OHS)
- ensure that the centre’s management committee’s compliance with OHS systems and procedures are monitored and reviewed regularly
- take health and safety implications into account when making decisions and recommendations
- ensure the centre’s compliance with its legal duties.

Duties and responsibilities

Managing the OHS issue

As soon as the Northern Kids Pty Ltd board of management became aware of the issue related to the Broadmeadows kindergarten, they asked the CEO to brief them about the assessment that had been made to identify any risks arising from asbestos. They also made it clear that the CEO assured all staff were being briefed to control the risks in accordance with the Occupational Health and Safety Act 2004 and the National Health and Safety Regulations 2007 (Vic) containing material in the centre’s kitchen may pose a risk to employees, volunteers and children. They wanted to ensure the Broadmeadows kindergarden centre manager and management committee were aware of the issue and were taking responsibility for OHS. The centre manager was aware of the issue and had already raised it with the local council as well as with the CEO of Northern Kids Pty Ltd.

The company also has duties under the asbestos part of the Regulations. Northern Kids Pty Ltd (through the CEO) conducted an asbestos audit and developed an asbestos register for Broadmeadows kindergarten. The CEO introduced their risk controls at the Broadmeadows kindergarten as asbestos could be removed after consulting with the staff and volunteers.

The CEO also briefed the local council that leases the premises to Northern Kids Pty Ltd to ensure they undertook their own assessment of the risk of asbestos and implemented appropriate risk controls.

Northern Kids Pty Ltd board of management decided to consult the local council that leases the premises to Northern Kids Pty Ltd about the asbestos issue. The local council conducted an asbestos audit and developed an asbestos register for Broadmeadows kindergarten. This register was updated as asbestos-containing material was discovered in the centre’s kitchen. Northern Kids Pty Ltd notified the local council and the Broadmeadows kindergarten centre manager of this finding. The centre manager raised the issue with the local council that leases the premises to Northern Kids Pty Ltd. The local council ordered Northern Kids Pty Ltd to ensure the asbestos was removed, after consulting with the staff and volunteers.

The centre manager should:

- have a thorough knowledge of the organisation’s health and safety obligations
- ensure their organisation complies with the organisation’s OHS system and procedures
- take health and safety implications into account when making decisions and recommendations

The local management committee should:

- familiarise themselves with the organisation’s health and safety responsibilities to staff and volunteers
- monitor and review the Broadmeadows centre’s compliance with OHS systems and procedures
- develop knowledge about the organisation’s health and safety obligations
- develop knowledge about the organisation’s OHS systems and procedures that determine how the OHS issue is addressed
- ensure that all members of the centre’s management committee exercise their health and safety responsibilities
- make recommendations to the board of management
- hold the CEO accountable for ensuring that OHS systems are monitored and reviewed regularly
- hold the CEO accountable for maintaining the OHS systems in order to demonstrate the centre’s compliance with its legal duties.

The Board should:

- have a thorough knowledge of the organisation’s health and safety obligations
- report regularly to the board about the organisation’s health and safety performance
- develop OHS systems that help the organisation comply with its legal duties (including the duty to consult with employees about OHS)
- ensure that the centre’s management committee’s compliance with OHS systems and procedures are monitored and reviewed regularly
- take health and safety implications into account when making decisions and recommendations
- ensure the centre’s compliance with its legal duties.
About the organisation
Northern Kids Pty Ltd operates six kindergarten centres in the northern suburbs of Melbourne. Each kindergarten is licensed by the local council. Northern Kids Pty Ltd manages and controls each kindergarten.

Northern Kids Pty Ltd is managed by a chief executive officer (CEO), who reports to a board of management comprising volunteers with many years of experience in the pre-school sector. The board sets the company’s overall strategic direction, holds the CEO accountable for the management of the company and makes key financial and organisational strategy and monitors implementation.
The board of management also felt they needed to take action to ensure members did not suffer stress and burn-out through their voluntary role.

Duties and responsibilities

Northern Kids Pty Ltd – CEO and the legal entity

As Northern Kids Pty Ltd is an ‘employer’ under the OHS Act, it has a duty to ensure its employees, volunteers and other persons at the workplace are not exposed to health and safety risks through their work, so far as is reasonably practicable.

The company also has duties under the asbestos part of the Regulations. Northern Kids Pty Ltd through the CEO undertakes an asbestos audit or register in place, Northern Kids are in breach of the Regulations and could be liable for prosecution.

Northern Kids Pty Ltd – Volunteer board of management

Depending on its charter, volunteer boards of management members may:
• develop knowledge about the organisation’s health and safety obligations
• report regularly to the board about the organisation’s health and safety performance
• develop OHS systems that help the organisation comply with its legal duties (including the duty to consult with employees about OHS)
• liaise with owners of leased premises to ensure they meet their legal obligation that their premises do not pose any risk to employees and volunteers
• take health and safety implications into account when making decisions and recommendations.

Managing the OHS issue

Northern Kids Pty Ltd – Volunteer board of management

As soon as the Northern Kids Pty Ltd board of management became aware of the issues raised at the Broadmeadows kindergarten, they asked the CEO to brief them about the situation that had been made to report to any risks arising from asbestos. The company also made it a requirement that the CEO ensured all steps were taken to control the risks in accordance with the Occupational Health and Safety Act 2007 and the Occupational Health and Safety Regulations 2007 (Vic).

The board of management requested the CEO provide an update on the progress of the issue at each board meeting. It also directed the CEO to ensure staff at the Broadmeadows kindergarten were consulted about the proposed risk control actions.

The CEO also briefed the local council that issues the Broadmeadows kindergarten to Northern Kids Pty Ltd to ensure they understood their own assessment of the risks of the asbestos and implemented appropriate risk controls.

The centre manager should:
• have a thorough knowledge of the organisation’s health and safety obligations
• ensure their organisation complies with the organisation’s OHS system and procedures
• take health and safety implications into account when making decisions and recommendations.

Northern Kids Pty Ltd (the entity) should:
• report to volunteers their role and any relevant boundaries and provide written information that fairly sets out these
• include health and safety in volunteer induction programs and any training needed to carry out the volunteer work
• take reasonable steps to ensure the volunteers work at the location, know how to report health and safety issues
• ensure volunteers facilities without health and safety risks, so far as is reasonably practicable.

OHS issue at Broadmeadows kindergarten

Broadmeadows kindergarten – Volunteer board of management

Local council

• Must ensure that the leased Broadmeadows workplace is safe and fit for use.

Case study: Northern Kids Pty Ltd

The company also has duties under the asbestos part of the Regulations. Northern Kids Pty Ltd through the CEO undertakes an asbestos audit or register in place, Northern Kids are in breach of the Regulations and could be liable for prosecution.

Local council

• Must ensure volunteers are treated with respect and their health and safety needs are considered.

The CEO should:
• have a thorough knowledge of the organisation’s health and safety obligations
• report regularly to the board about the organisation’s health and safety performance
• develop OHS systems that help the organisation comply with its legal duties (including the duty to consult with employees about OHS)
• liaise with owners of leased premises to ensure they meet their legal obligation that their premises do not pose any risk to employees and volunteers
• take health and safety implications into account when making decisions and recommendations.

Figure 1: Overview of legal duties and responsibilities at Northern Kids Pty Ltd
Community service volunteer boards and committees

Being a volunteer

Naturally, you will be concerned about your own health and safety as a volunteer as well as the health and safety of the people you work with. Some initiatives to avoid the risk of stress and burnout among members include:

- Induction training about the board’s responsibilities and powers, conflict resolution and financial management
- Support from members and stakeholders in the organisation
- Organising for your board members to attend formal training on an area of responsibilities or individual aspects of their role and responsibilities, such as health and safety obligations
- Regularly reviewing and revising your organisation’s policies and procedures, which ensure that your board members and any other members (including volunteers) are aware of their responsibilities and roles (including their health and safety responsibilities)

You will also need to consider the health and safety implications of any decisions you make. Employees are consulted on all aspects of their health and safety. The health and safety responsibilities of all employees are regularly monitored and reviewed.

You have a number of health and safety obligations as a board member. The nature of the obligations depends on the type of organisation you are involved with.

If your organisation has employees (ie it is an employer), it has health and safety duties towards those employees. These duties are set out in the OHS Act and the Occupational Health and Safety Regulations 2007 (the Regulations). Under the OHS Act, employers have an obligation to ensure the health and safety of their employees in the workplace.

If your organisation has volunteers only (ie no employees), it has volunteer health and safety duties towards those volunteers. These duties are set out in the OHS Act and the Occupational Health and Safety Regulations 2007 (the Regulations). Under the OHS Act, each volunteer organisation has the same duties towards volunteers as it has towards employees. WorkSafe Victoria’s Occupational Health and Safety in Community Services (OHSACS) Fact Sheet addresses both aspects.

If your organisation has employees (ie it is an employer), WorkSafe recommends that employees, volunteers and board members work together to make sure the organisation’s health and safety obligations are met. Volunteer board members of companies and other bodies and associations are not liable for prosecution under the OHS Act for anything they do or fail to do as a volunteer. This acknowledges the important contribution of volunteer members of boards. However, the organisation, as a legal entity, may be liable if a volunteer or paid employee suffers a work-related injury or illness.

On the other hand, volunteer organisations may be liable for prosecution under the OHS Act if their volunteer or paid employees suffer a work-related injury or illness. This is because an organisation is considered to be in control for health and safety purposes if it has employees or if it provides services to the public, is engaged in an activity or is engaged in a commercial Undertaking.

More information

The following publications are available from worksafe.vic.gov.au:
- Health and safety in community service organisations  – A handbook for workplaces
- Occupational health and safety in boards
- Occupational Health and Safety Act 2004 (OHS Act) only

You can also request a copy of WorkSafe’s OHSACS Fact Sheet. This publication is protected by copyright. WorkSafe encourages the free transfer, copying and printing of this publication if such activities support the purpose and intent for which this publication was developed.

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More information about health and safety:

- Your health and safety obligations
- Their health and safety obligations
- Their obligations
- WorkSafe Victoria

More information about community service volunteer boards and committees

As a volunteer who is a member of a board or committee of management in the community services sector, you have health and safety obligations under the OHS Act. You may also have concerns about your own health and safety as a volunteer. This fact sheet addresses both aspects.

This fact sheet provides information in relation to your health and safety obligations under the Occupational Health and Safety Act 2004 (OHS Act) only. You should seek advice about other legal duties that may apply to your organisation.

Volunteer health and safety in community service organisations

Volunteer board members of companies and other bodies and associations have more information about how to look after the health and safety of their volunteers.
Being a volunteer

Naturally, you will be concerned about your own health and safety as a volunteer as some of your responsibilities are likely to be health and safety related. Being a volunteer means you may also have concerns about your own health and safety as a volunteer. The following sections address both aspects.

More information

The following publications are available from worksafe.vic.gov.au

- Occupational Health and Safety Act 2004 (OHS Act) only. You should seek advice about how to look after the health and safety of your volunteers. WorkSafe’s Occupational Health and Safety in Boards has more information about the role and responsibilities of board members who look after the health and safety of employees and others. Board members should provide leadership on health and safety in the organisation and know their organisation’s health and safety obligations. This includes:
  - everyone in the organisation knows their health and safety responsibilities;
  - health and safety implications are considered when decisions are made;
  - employees are consulted on all aspects of their health and safety;
  - the organisation’s systems for improving health and safety are regularly monitored and reviewed.

Being a board member

You have a number of health and safety obligations as a board member. The nature of the obligations depends on the type of organisation you are involved with.

- If your organisation has employees (ie it is an employer), it has health and safety duties towards these employees. These duties are set out in the OHS Act and the Occupational Health and Safety Regulations (2007) (the Regulations). Under the OHS Act, employees have health and safety responsibilities. The employer should take reasonable care to ensure the health and safety of employees, and consult with employees about health and safety matters. The employer also has a duty to make the organisation’s systems for ensuring health and safety are regularly monitored and reviewed.

- If your organisation has volunteers only (ie no employees), it has volunteer health and safety duties towards those employees. These duties are set out in the OHS Act and the Occupational Health and Safety Regulations (2007) (the Regulations). Under the OHS Act, employees have health and safety responsibilities. The employer should take reasonable care to ensure the health and safety of employees, and consult with employees about health and safety matters. The employer also has a duty to make the organisation’s systems for ensuring health and safety are regularly monitored and reviewed.

WorkSafe’s Volunteer Health and Safety in Community Service Organizations – A Handbook for Workplaces has more information about how to look after the health and safety of your volunteers.