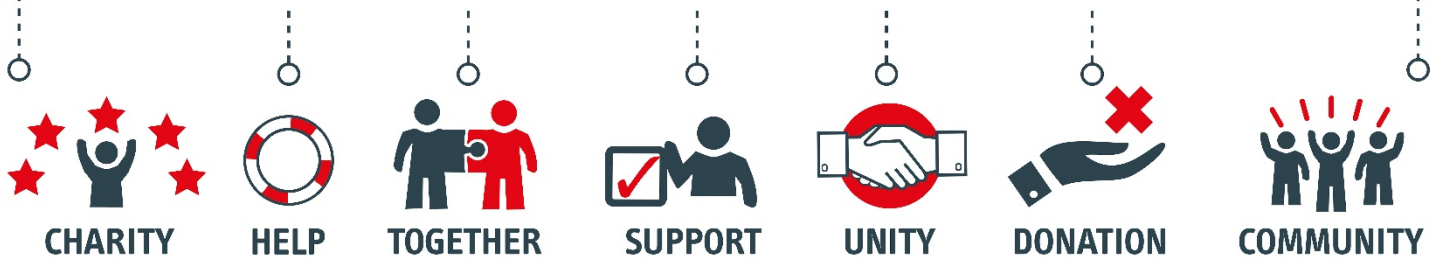


VOLUNTEERING



VOLUNTEER'S POLICY GUIDELINE

V1 – 01.08.2019

1. Background:

In 2014, there were 5.8 million people in Australia (31 per cent) who had volunteered in the previous 12 months, contributing 743 million hours to the community, this equates to an average of 128 hours per volunteer.

Women are more likely to participate in voluntary work than men (34 per cent and 29 per cent, respectively).

The highest rates of volunteering were for young people aged 15-17 years (42 per cent), those aged 35-44 years (39 per cent) and older people aged 65-74 years (35 per cent).

The most common type of organisations that people volunteer for are sport and physical recreation organisations (31 per cent).

Couples with children are more likely to have volunteered in the last 12 months (38 per cent) than couples without children (29 per cent) or people living alone (25 per cent).

Volunteers not only make a huge contribution to the lives of the people in our community, they are also essential to connecting people and building social connections through a greater sense of belonging.

Nearly half of the volunteers have volunteered for more than 10 years and more than two-thirds of volunteers report that at least one of their parents had also participated in voluntary work.

The most commonly reported reasons for volunteering are to help others or the community (64 per cent), for personal satisfaction (57 per cent) or to do something worthwhile (54 per cent).

Source: Australian Bureau of Statistics (ABS).

2. Context:

Volunteers are relied upon by many organisations/charities to assist them with a variety of tasks, including sustaining church programs and activities. The organisation has a duty of care to provide the same level of support and training for volunteers as it would for employees. Volunteers are covered under Work Health Place and Safety regulations and should be suitably insured against injury. It's important that managers of volunteers understand the rights of volunteers and their obligations and responsibilities to them.

This policy guideline is focussed solely on the deployment of people attending the church that have expressed an interest in volunteering to serve in one of the church's ministry programs.

Definition - Volunteer:

A person who willing and without reward, agrees to assist with a task or program.

Volunteers are not paid for the work that they perform and they do so without a legally enforceable obligation to do so and, the volunteer relationship can end at any time.

Employees are paid for time worked, must perform the duties of their position, perform ongoing work under the supervision and control of an employer and are entitled to paid and unpaid leave.

Independent contractors have control over how they carry out their work, are paid for results that they achieve, are contracted for a set period of time or a set task and are free to accept work from the general public and other businesses.

Volunteering Australia - National Guide: Legal issues for volunteer involving organisations (Pt.1)

3. Key legal Issues:

- a. **Volunteer safety is a critical risk for a church.** It is relevant to the legal responsibility and liability of the church, but it also impacts on the church's ability to attract and retain volunteers.
- b. **There are various aspects to volunteer safety**, each of which come with obligations and potential liabilities. The two key areas of law that church's need to be aware of are laws concerning negligence and workplace health and safety (or occupational health and safety).
- c. **When considering safety**, a church must also be aware that there are two sides to safety. The safety of the volunteer, as well as the safety of the people that the volunteer is interacting with.
- d. **Generally speaking**, a church will have a duty of care to its volunteers. This is called the law of negligence. This law involves both the common law (judge made law) and legislation in each state and territory in Australia.
- e. **A church may also be vicariously liable** [*Vicarious liability is a legal doctrine that assigns liability for an injury to a person who did not cause the injury but who has a particular legal*

relationship to the person who did act negligently] for the acts or omissions of their volunteers. If a church is found (by a court) to be vicariously liable for the actions of volunteer, it will most likely be ordered by the court to pay compensation (in the form of money). Other consequences for the church of such an outcome could include operational and reputational damage.

- f. There is legislation which seeks to limit or eliminate** civil liability of volunteers in most states and territories. All of the states and territories have different laws concerning this situation, but generally, if a volunteer is protected (that is, they satisfy all of the tests in the relevant legislation) the volunteer will not be personally liable to pay any compensation to anyone whom they may have caused personal injury, property damage or financial loss, as a result of their own actions or failures to act. Instead, if harm is caused by a volunteer, the community organisation may be liable rather than the volunteer individually.
- g. Work health and safety laws** impose obligations to ensure, so far as reasonably practicable, the safety of volunteers in the workplace. Although work health and safety legislation is largely uniform between the states and territories, there are some nuances between them. Your organisation should be aware of its organisation's work health and safety obligations to volunteers and have policies and procedures in place to meet these obligations.
- h. It is important that your organisation** adopts a risk management strategy aimed at eliminating, managing or mitigating the effects of those risks associated with the safety of its volunteers. Ensuring your organisation is adequately covered by insurance is another way that your organisation can manage this risk.
- i. It is important that your organisation complies** with the relevant obligations under state and territory laws (and the common law) relating to the safety of children. Organisations will need to consider the safety of children who are volunteers, and the safety of children that your volunteers may be interacting with through your organisation.

Supervisors need to be aware of their obligations under the various 'Reportable Conduct Schemes' operated by the state governments in Australia.

Volunteering Australia - National Guide: Legal issues for volunteer involving organisations (Pt.1)

MANAGEMENT TOOL:

OBJECTIVE: - THIS TOOL OUTLINES A PROCESS FOR PEOPLE TO VOLUNTEER AND THE CHURCH TO APPROVE AND DEPLOY THEM.

1 Responsibilities:

Each ministry hosted by the church should clearly define:

- The objective of the ministry.
- Key outcomes/expectations and measurable targets.
- The role of each member of staff or volunteer involved in the activity.
- Minimum qualifications of staff or volunteers required to carry out the activity.
- The chain of command.
- Church policies that apply to the activity, if any.
- Legislation that applies to the activity, if any.
- The responsibilities of each member of staff or volunteer to one another and those they serve.
- A process to deal with and report incidences.

2 Application [attached as a separate form]:

The church should record the following details of people wishing to volunteer:

- Name.
- Gender.
- Address.
- Phone.
- Email Address.
- Medical Conditions.
- Allergies.
- Behavioural Issues.
- Limitations.
- Emergency Contact details.

3 Obtain:

The church should obtain from the volunteer copies of the following:

- A Working with Children's Check.
- A National Police Check. [Note the limit on the retention of records – 1 year]
- Certificates of Qualifications, if deemed appropriate or advantageous.
- Details of work experience, if deemed appropriate or advantageous.
- References, if deemed appropriate or advantageous.

4 Interview.

The church should arrange for:

- The Team Leader of the program to interview the volunteer.
- It may be desirable that the ministry team meet with the prospective volunteer.

5 Endorsement.

Subject to church policy and the outcome of the interview/s:

- The Team Leader is to advise the leadership of the church if the applicant is suitable.
- The leadership of the church is to:
 - Advise the volunteer of its decision.
 - Authorise, where applicable, to appoint the volunteer and,
 - Advise the Team Leader of its decision.

6 Insurance.

- Ensure the church has volunteers insurance and if not acquire it prior to deploying any volunteer.

THE FOLLOWING PROCESS APPLIES TO VOLUNTEERS THAT HAVE BEEN ACCEPTED.

1 Induction:

The volunteer is to be given a copy of:

- a. Church Induction Manual [CIM].
- b. Volunteers Code of Conduct.
- c. Work Health and Safety Policy [WHS]:
- d. Child Protection Policy. Equal Opportunity, Anti-Discrimination, Anti-Harassment and Bullying
- e. Privacy and Confidentiality Policy.
- f. Applicable policies - Other.

2 Training:

- a.** Train, if necessary, the volunteer to assist with the activity.
- b.** Equip the volunteer, if necessary, to assist with the activity.

3 Inspections:

a. Activities conducted within the property and grounds of the church [Facility].

- With the CIM in hand, the volunteer is be familiarised with the facility to:
 - safely navigate the facility,
 - know where to locate and use all equipment,
 - understand what to do in the event of an emergency, and
 - be shown matters of importance for the safe conduct of the activity.

b. Activities conducted in partnership with another agency on their site.

- The Team Leader is to inspect the site of the activity and ensure it is safe to work in.
 - If the Team Leader is unsure or not sufficiently confident assessing whether the facility is safe, it may be desirable to request the church's Contact Officer [Person appointed by the church to manage the church's WorkPlace Health and Safety responsibilities and inspections] inspect the facility.
- The Team Leader is to acquire a copy of the agency's Induction Manual [IM].
- With the IM in hand, the volunteer is be familiarised with the facility to:
 - safely navigate the facility,
 - know where to locate and use all equipment,
 - understand what to do in the event of an emergency, and
 - be shown matters of importance for the safe conduct of the activity.

c. Activities conducted offsite, whether with another agency or not.

- The Team Leader is to inspect the site of the activity and ensure.
 - The site is safe to work in.
 - If the Team Leader is unsure or not sufficiently confident assessing whether the facility is safe, it may be desirable to request the church's Contact Officer inspect the facility.
 - Facilities and equipment deemed unsafe is to be recorded and the report given to the Contact Officer to act upon.

- The volunteer is to be shown matters of importance for the safe conduct of the activity.

Recommendation: No volunteer should be allowed to work offsite alone.

3 Activities:

a. The Team Leader is to:

- Familiarise the volunteer with what he/she is expected to do in the activity.
- Make the volunteer aware of known risks, especially of those they will be serving.
- Generate a roster of the time and dates of each activity and who will be assisting with the activity.
- Submit a copy of the roster to the church which can be accessed by authorised staff.
- Provide the volunteer with a list of responsible people he/she may call in the event of an emergency or inability to attend the activity.
- Introduce the volunteer to the other volunteers assisting with the activity.
- Introduce the volunteer to whom they will be serving in the activity.

4 Assessment:

a. The Team Leader is to:

- Meet with the volunteer each quarter to determine if he/she is:
 - Coping physically and mentality with the activity.
 - Needs assistance.
 - Either address concerns or refer the matter to the leadership of the church to act on.

REFERENCE MATERIAL

AGENCIES:

- <https://www.volunteeringaustralia.org/#/>
- <http://www.volunteeringvictoria.org.au/managing-volunteers/>

RESOURCES:

- <https://www.volunteeringaustralia.org/resources/#/>
- <https://www.volunteer.vic.gov.au/who-can-help>
- <https://www.volunteeringvictoria.org.au/resources-guides/>
- <http://www.eainsurance.com.au/tools-and-resources/risk-managment/>

SAFETY GUIDES:

- <https://prod.wsvdigital.com.au/sites/default/files/2018-06/ISBN-Volunteer-health-and-safety-handbook-for-community-service-organisations-2008-10.pdf>
- <https://prod.wsvdigital.com.au/sites/default/files/2018-06/ISBN-Working-safely-in-community-services-2006-10.pdf>