

FREQUENTLY ASKED QUESTIONS

FOR ORGANISATIONS

1. Insurance

What insurances should a Volunteer Involvement Organisation (VIO) have to adequately protect volunteers?

As a minimum, the following insurance policies should be in place:

- Public Liability Insurance is required for all Volunteer Involvement Organisations in order to protect themselves against third party personal injury (including death) or damage to property claims as a result of an incident in connection with your organisation.
- Volunteer Accident Insurance is required as Workers Compensation Insurance does not cover volunteers, this insurance provides cover for volunteers who become sick or are injured while volunteering. This covers accidental injury or death, resulting from involvement in authorised volunteer activity and may cover the payment of weekly benefits while engaged in various voluntary activities.
- Directors And Officers/Professional Indemnity Liability and Motor Vehicle Insurance may also be applicable depending on the nature of your organisation's services.

You should consult with your insurance provider regarding specific insurance cover your organisation may require and note that all policies should specifically include volunteers.

Is there an age limit on volunteer insurance?

Some insurance companies do place age restrictions on their insurance for volunteers. You should contact your insurance provider to check whether there are any age restrictions in place.

2. Human Resources

Does a volunteer need to sign a contract?

No, they do not. There is no legal requirement for either the VIO or the volunteer to sign a volunteer agreement. It is up to the organisation to determine whether a volunteer agreement is suitable. However, a volunteer agreement can be one way to clarify the expectations of the volunteer as well as the dimensions of a project that is being undertaken. Please note that you will need to be vigilant to ensure that any volunteer agreement cannot be construed on an impartial reading, as an employment contract, as that will fundamentally change your obligations to the volunteer. Organisations

FREQUENTLY ASKED QUESTIONS

should seek particularised legal advice regarding the utilisation of any volunteer agreement to ensure that they protect the rights of both parties and are not discriminatory.

Where can an organisation access templates for Job Descriptions/Volunteer Agreements and other standard volunteer forms?

Organisations can access templates at:

www.volunteering.com.au

What should an organisation include in their Code of Conduct Policy for Volunteers?

The Code of Conduct for an organisation should embody the following principles as noted by Volunteering Australia:

- Interviewing and employing volunteer staff in accordance with anti-discrimination and equal opportunity legislation,
- provide volunteer staff with orientation and training,
- provide volunteer staff with a healthy and safe workplace,
- provide appropriate and adequate insurance coverage for volunteer staff,
- not place volunteer staff in roles that were previously held by paid staff or have been identified as paid jobs,
- differentiate between paid and unpaid roles,
- define volunteer roles and develop clear job descriptions,
- provide appropriate levels of support and management for volunteer staff,
- provide volunteers with a copy of policies relating to volunteer staff,
- ensure volunteers are not required to take up additional work during industrial disputes or paid staff shortage,
- provide all staff with information on grievance and disciplinary policies and procedures, acknowledge the rights of volunteer staff,
- ensure that the work of volunteer staff complements but does not undermine the work of paid staff,
- offer volunteer staff the opportunity for professional development,
- reimburse volunteer staff for out of pocket expenses incurred on behalf of the organisation,

FREQUENTLY ASKED QUESTIONS

- treat volunteer staff as valuable team members, and advise them of the opportunities to participate in agency decisions, and
- acknowledge the contributions made by volunteer staff.

Should an organisation have a specific Volunteer Grievance Policy?

No, a volunteering specific grievance policy is not required. The VIO's general grievance policy should be sufficiently robust to cover all contingencies which may arise within the organisation.

Can an organisation engage a volunteer on a Visitor's Visa?

It will depend on the type of visa the prospective volunteer holds as to whether they are eligible to volunteer while they are in New South Wales. The Department of Immigration and Border Protection has an online verification service called Visa Entitlement Verification Online (VEVO). After you have logged on to the interface, you will be able to check for any restrictive conditions on the prospective volunteer's visa. You should note that it is your responsibility to ensure that the prospective volunteer is able to undertake volunteer work in Australia.

3. Best Practice

Are there legal requirements that need to be satisfied when engaging volunteers?

There are no legal requirements as such for engaging volunteers. However, all VIOs are subject to laws in relation to anti-discrimination, equal opportunity, work health and safety and fair work practices.

What distinguishes a paid role from a volunteer role?

The Fair Work Ombudsman states that "A volunteer is someone who does work for the main purpose of benefitting someone else... Volunteers are not employees and don't have to be paid." Thus, to determine whether a person is an employee or a volunteer, the following criteria must be scrutinised in the context of a position: whether the parties intended to create a legally binding relationship, whether the individual is under an obligation to attend work or perform designated duties and whether there is any remuneration paid to the individual. These criteria and a close examination of the context of the role will determine if the position is of an employee or a volunteer. For further details go to: <https://www.ato.gov.au/Non-profit/Your-workers/Type-of-worker/>

FREQUENTLY ASKED QUESTIONS

How many hours per week can a volunteer work for a VIO?

There are no set hours for volunteers. However, 16 hours per fortnight is considered the standard. It should be noted that volunteers may work for more than 16 hours per fortnight where they are involved in a particular project.

Can a volunteer be asked to pay for training?

Yes they can. It is up to the volunteer to assess the cost/benefit for them, of partaking in a course.

What is the difference between and Internship, Work Experience and Volunteering?

Internship "is the transition from study to work" and is generally undertaken to advance an individual's skills and abilities prior to engaging in paid employment. A professional internship program is unpaid as the main aim is for the intern to achieve their objectives and acquire skills and finesse.

Work Experience is the short term placement of students with employers or organisations, to provide insights into a particular industry or the workplace in which they are located. Students are placed with employers primarily to observe and learn. Individuals involved in work experience are not to undertake activities which require extensive training or experience.

A Volunteer is someone who does work for the main purpose of benefitting someone else. Volunteers are not employees and are not paid. The volunteer activity is undertaken freely and without coercion and does not replace an employee position.

For further details go to: <https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/unpaid-work/unpaid-work>

4. Reimbursement of Expenses

Does an organisation have to reimburse volunteer out of pocket expenses?

No, but they may do so at their discretion. The guiding principle in relation to reimbursements of costs is that "volunteering should not cost volunteers money". At the

FREQUENTLY ASKED QUESTIONS

Centre for Volunteering, travel expenses are reimbursed for volunteers' transportation directly between home and place of work, which will ordinarily be The Centre's office location.

What expenses is an organisation expected to reimburse?

Each organisation may choose what expenses, if any, will be reimbursed to volunteers.

What is the reimbursement rate per km for vehicles?

Each organisation may choose whether to reimburse volunteers and on what basis.

5. Police Checks

Do all volunteers need Police Checks?

No, they do not. Only those volunteers visiting care recipients under the Community Visitors Scheme and volunteers organised by an approved provider who are reasonably likely to have unsupervised access to care recipients are required to have a Police Check.

How much do Police Checks cost?

The national name and date of birth check currently costs \$53.30 and national name and date of birth check for volunteers working in Commonwealth supported aged care is \$15.

Which volunteers need Working With Children Checks?

A Working With Children Check (WWCC) clearance is required for a volunteer to legally work with children. The WWCC involves a national criminal history check and a review of any findings of workplace misconduct. Volunteers with a WWCC clearance will be monitored on a continuing basis. The WWCC is free for volunteers.

Who is responsible for obtaining Working with Children Checks?

The individual volunteer is responsible for obtaining a WWCC clearance. For further details go to: <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check>

