



## Being healthy and safe as a sport or recreation volunteer

*The Select Committee considering the Health and Safety Reform Bill reported back to Parliament on 24 July 2015 with some changes regarding volunteers following public submissions.*

*The changes mean that the new health and safety law as it applies to volunteers will be largely the same as under the current law.*

There's been plenty of discussion about how the new health and safety law might affect volunteers and sporting organisations in our communities. It's important that volunteering isn't negatively affected by changes in health and safety requirements, balanced against the need to keep people safe and healthy in their place of work.

Following the Select Committee's report back on 24 July, the Health and Safety Reform Bill has been revised to keep voluntary organisations' health and safety responsibilities largely as they are under the current health and safety legislation.

This sounds simple, but in WorkSafe's talks with sports organisations around the country it's clear that many are unsure what their current responsibilities are to volunteers.

Here's a short re-cap.

The current health and safety law distinguishes between voluntary organisations who employ people, and those that run on a purely voluntary basis. The new law will continue this distinction.

### **Do you have paid workers?**

If the answer is yes, your organisation will be a Person Conducting a Business or Undertaking (or PCBU) under the Bill.

A PCBU has the primary duty to ensure the health and safety of its workers and others, so far as is reasonably practicable.

If the answer is no, you're a volunteer association under the Bill. A volunteer association is not a PCBU so the Bill will not apply to it.

### **If your organisation is a PCBU, does it have volunteer workers or other volunteers?**

People who regularly volunteer their time for a PCBU on an ongoing basis and are integral to the PCBU's operations are classed as 'volunteer workers' under the Bill. These volunteers should be given the same health and safety protections as any other worker under the Bill. (see [here](#)).

For other volunteers – one-off or occasional volunteers and for volunteers doing certain activities they are not 'volunteer workers'. This includes volunteers assisting with sports or recreation for a

sports club. These volunteers should be given the same protections from the activities of the PCBU<sup>1</sup> just like other members of the public.

### **Keeping people safe**

At the end of the day, the main point is that everyone – casual volunteers helping out the 10<sup>th</sup> grade rugby team on a Saturday, regular volunteers running the junior development programme, or paid workers managing the senior first team are all kept healthy and safe.

The difference in the steps your organisation takes to protect its people should come down to the risks they face in the activity they are doing.

When it comes to keeping people healthy and safe, it's best to think not 'do I have a duty to this person' but 'what can I reasonably do to keep them safe?'

### **Recreational access on farms**

The Select Committee has also clarified the definition of a workplace, particularly in the case of farms. Farmers' duties will extend to the farm buildings and structures necessary for the operation of the business and the areas immediately surrounding them. Other parts of the farm are not a workplace, apart from when farm work is being carried out in that part of the farm at the time.

These changes make it clear that the farmer's duty to manage and control the farm doesn't apply to recreational users coming onto farm land (apart from when farm work is being carried out in that part of the farm at the time). This proposed amendment should encourage farmers to allow walkers and other land users on their land without being unduly concerned about their liability.

### **What are the next steps for the Health and Safety Reform Bill?**

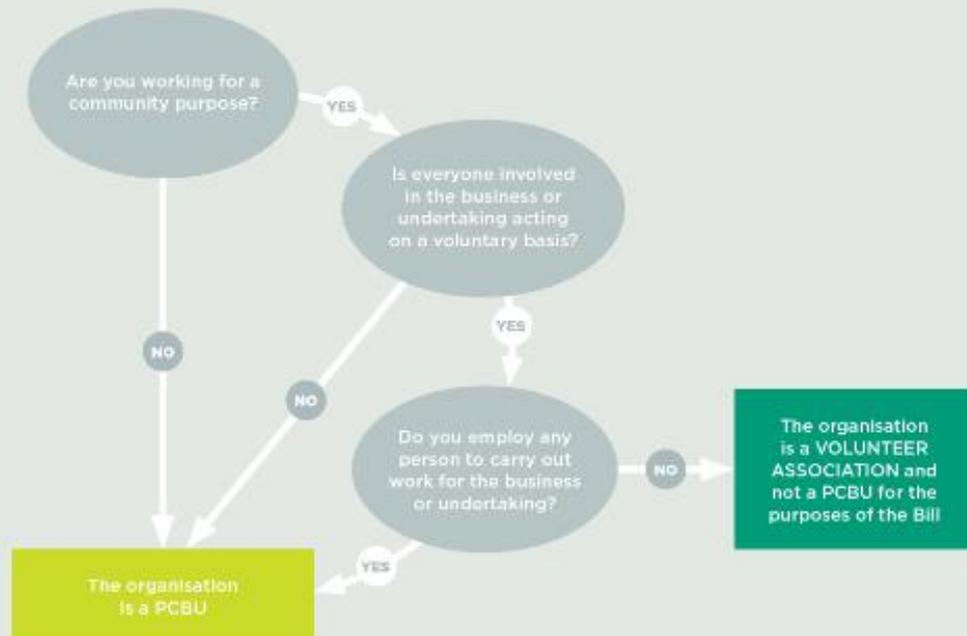
The Health and Safety Reform Bill is now going through its remaining debates at Parliament before it becomes law. WorkSafe will help people to prepare by providing more detailed information before the law comes into force.

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<sup>1</sup> PCBUs have a duty, so far as is reasonably practicable, to ensure that the health and safety of other persons, not just of workers, is not put at risk from the work carried out as part of the conduct of the business or undertaking.

## PCBU or Volunteer Association?

Whether you are a PCBU or a volunteer association determines whether you have responsibilities under the Health and Safety Reform Bill



## Do you have volunteer workers?

You have established you are a PCBU. Now you need to think about whether you have volunteer workers. Volunteer workers are given the same health and safety protections as other workers under the Health and Safety Reform Bill, with some exclusions. Casual volunteers are given the same protections as other people who might be affected by your work such as visitors or customers. Similar requirements exist under the current law - the revised Health and Safety Reform Bill just makes them clearer.

