

Federated Mountain Clubs of NZ (Inc)



15 October 2017

Health & Safety at Work Act 2015 applied to volunteers

FMC has been asked how this Act might apply to volunteer working on Club Huts or track clearing work.

FMC's opinion is:

The Health & Safety at Work Act 2015 applies to places of work. A volunteer association that does not have employees does not have any liability under the Act.

Employers using volunteers on a regular basis to do work that is an integral part of their business have the same obligations to keep their volunteers safe as they do their employees. (An example that comes to mind is the Coast to Coast race. I think this provision would apply to all the volunteer marshals etc). Those using volunteers on an irregular basis also have a duty to take all practicable steps to safeguard their volunteers, but can't be prosecuted. The onus is on the employer, not an organisation supplying volunteers, to manage the safety aspects.

Clubs using their own volunteers on their own huts have no obligations under this Act. Clubs using contractors to work on their huts etc can have obligations while the hut is a "place of work".

For more information, see <http://www.worksafe.govt.nz/worksafe/information-guidance/all-guidance-items/position-statements/health-and-safety-of-volunteers-at-work>

This paper was written by FMC executive member David Barnes