

Health and Safety and Volunteering

Legal Responsibilities

Individuals' and organisations' legal obligations are generally defined in two ways:

- i. Through **statute law**, defined by an Act of Parliament, that sets out specific obligations.
- ii. In **common law**, which is not codified in an Act of Parliament, but arises from the precedents set by judges in individual cases.

It is under **common law** that organisations and individuals have a general legal **duty of care** to avoid causing harm to, or endangering people or property as a result of activities. This therefore includes volunteers. In any organisation, members of staff (if there are any), and the governing body must inform themselves of their specific responsibilities and take reasonable steps to meet them. Failure to do this may be seen as **negligent**, i.e. that a 'reasonable person' could have been expected not to act in that way.

Statute law can help clarify some of the specific legal duties your organisation faces. While it should be remembered that much legislation is defined in terms of responsibilities for, and to employees, some health and safety legislation, including the Health & Safety at Work (NI)

Order 1978, applies to all those who may be affected by the organisation's activities, not just employees. This Order provides an overarching structure for health and safety in the workplace and incorporates other existing health and safety laws, codes of practice and regulations. Organisations must examine their own activities to identify all the supplementary legislation relevant to them.

The Management of Health and Safety at Work Regulations (NI) 2000 sets out more explicitly what organisations must do to comply with the Health and Safety at Work (NI) Order. Key considerations for organisations include:

- **Safeguarding** the health, safety and welfare of the people who work for them while they are at work;
- Conducting their work in a way that ensures that those who come into contact with the organisation (including voluntary workers and service users) are not exposed to unacceptable **risks to their health or safety**;
- Identifying risk arising from work activities and taking appropriate **preventative and protective measures** to reduce them;
- Ensuring that premises and equipment/substances therein are **safe and without risk**.

The Health and Safety Executive also advises that, 'in general, the same health and safety standards should be applied to voluntary workers, as they would to employees exposed to the same risks.'

A best practice approach therefore, suggests that even measures that refer specifically to 'employees' should be understood to apply to anyone who does work for the organisation, whether or not they are paid. At the very minimum, then, every volunteer-involving organisation must consider:

- How they ensure the provision and maintenance of **safe premises and equipment** for use by volunteers;
- How they provide **information and training** to ensure volunteers work safely;
- How everyone including volunteers is made aware of his/her **rights and responsibilities in relation to health and safety**;

- How they **assess and deal with risks** posed to and by volunteers, including risks to personal safety, access to confidential information; and
- What their **health and safety policy** says about volunteers and their work.

The only practical and responsible approach is to be proactive in protecting the health and safety of all those who came into contact with the organisation. Organisations need to calculate **the risks** that workers (paid and unpaid), beneficiaries and the public might be exposed to as a result of the organisation's activities, and take steps to remove or reduce those that are unacceptable- [Risk Assessment and Volunteers](#); and [Sample Risk Assessment Template](#).

It is good practice to set this all out as a commitment within a **health and safety policy**.

Health and Safety Policy

A good health and safety policy should:

- **Make a general statement** outlining the organisation's commitment to ensuring the health and safety of volunteers. This section might state that although volunteers are not employees, the organisation takes their welfare seriously and is committed to looking after them and ensuring they are safe when carrying out their roles.
- **Identify responsibilities** for health and safety procedures. This should include the name and role of individuals with responsibilities for specific areas, such as first aid, fire safety, the maintenance of equipment or carrying out risk assessments;
- **Outline safety procedures**. This would include what to do in the case of a fire; how to record and report accidents or injuries; rules for the use of equipment or hazardous materials; safeguarding personal safety etc.

It is essential that volunteers are made aware of the health and safety policy, and know and abide by the relevant procedures. This policy should be introduced during induction and reviewed with the volunteer at the end of their settling-in period. The policy itself will need to be updated regularly, so make sure that this responsibility is allocated to an appropriate person.

While a clear and properly implemented health and safety policy is an important tool in preventing accidental or malicious harm, it is not a guarantee that things will never go wrong. Basic good practice procedures are essential to ensure that policy is translated into practice. However, while prevention is undoubtedly better than cure, organisations do need to provide adequate insurance cover for damage, loss of injury suffered or caused by volunteers in the course of their voluntary work- [Volunteering and Insurance Information Sheet](#).

DISCLAIMER

Reasonable precautions have been taken to ensure information in this publication is accurate. However it is not intended to be legally comprehensive; it is designed to provide guidance in good faith without accepting liability. If relevant, we therefore recommend you take appropriate professional advice before taking any action on the matters covered herein. Registered Office: Volunteer Now, Skainos Centre, 239 Newtownards Road, Belfast, BT4 1AF T: 028 9023 2020 E: info@volunteernow.co.uk W: www.volunteernow.co.uk Charity Registration No. NIC101309. Company Limited by Guarantee No. NI602399. Registered in Northern Ireland.