

# National Volunteering Guide

## Part 3

Recruiting, inducting, managing and ending the volunteer relationship

Feb 2024



# Contents

<b>Part 3</b>	<b>4</b>
<b>Recruiting, inducting, managing performance and ending the volunteer relationship</b>	<b>5</b>
Recruitment of volunteers	5
The profession of volunteer management	5
The volunteer experience	6
Volunteer role description	6
Sample volunteer role description	8
Volunteer screening as part of the recruitment process	9
Working with Children Checks	10
Police Checks	11
The National Disability Insurance Scheme Worker Screening Check Program	12
Other checks	13
People on visas	13
Recruitment and discrimination law	15
When might discrimination be lawful in recruitment?	18
Australian Capital Territory	19
Queensland	20
Northern Territory	21
New South Wales	22
South Australia	22
Tasmania	24
Victoria	24
Western Australia	25
Inducting your volunteers	27
Checklist – volunteer induction	27
Sample volunteer induction checklist	28



Volunteer agreement .....	29
Deed of agreement – intellectual property and confidential information .....	32
Managing the performance of volunteers .....	35
Organisational performance management plan .....	35
Performance management procedures and process .....	37
Managing volunteer grievances .....	40
Volunteer grievance policy .....	41
Ending the volunteer relationship .....	43
Managing the process of ending the volunteer relationship .....	44
Summary – recruiting, inducting, managing and ending the volunteer relationship .....	47



# Part 3

**Recruiting, inducting, managing and  
ending the volunteer relationship**

# Recruiting, inducting, managing performance and ending the volunteer relationship



## This part covers:

- ▶ the recruitment process
- ▶ inducting your volunteers
- ▶ managing the performance of your volunteers, and
- ▶ ending the volunteer relationship

## Recruitment of volunteers

Volunteers are essential to the success of community organisations.

## The profession of volunteer management

The [National Strategy for Volunteering](#) emphasises the skills that underpin volunteer management.



### The National Strategy for Volunteering

#### **On the strategic objective to recognise the importance of volunteer management:**

*Volunteering does not 'just happen'. Instead, it requires deliberate and ongoing strategic investment underpinned by adequate resourcing. Leading and managing volunteers is more than just administration; it requires time, talent, and skill.*

*Those responsible for leading, managing, and coordinating volunteers, whether paid or unpaid, are the gatekeepers to positive volunteering experiences and impactful volunteering outcomes. Elevating the profession of Volunteer Management and investing in infrastructure to reduce the burdensome administration associated with volunteer involvement is critical to any serious effort to futureproof volunteering'.*

(page 62 of the strategy)



# The volunteer experience



## The National Strategy for Volunteering

### **On the strategic objective to focus on the volunteer experience:**

*Focusing on the volunteer experience is likely to reduce barriers to volunteering. For example, recruitment messages that appeal to one's primary motivations for volunteering are proven to be more effective and persuasive.*

*Volunteers need a degree of choice and freedom in how they carry out their role, they need opportunities to develop meaningful relationships in their volunteering, and they need the ability to demonstrate and improve their skills. An increased desire for flexibility from volunteers may increase the prevalence of online volunteering in the future, which is attractive for both its convenience and accessibility. Creating more flexible opportunities is also identified as the most important factor that could motivate more people over the age of 70 to volunteer*

(page 43 of the strategy)

### **Your organisation should recruit its volunteers in a fair and non-discriminatory way.**

Volunteer involving organisations should:

- use a volunteer role description when recruiting volunteers that focuses on the specific requirements of the role, and
- conduct some level of screening of volunteers, carefully balanced with the requirements of the role, even where there is no legislative or contractual requirement that checks be performed.

## Volunteer role description

### Importance of a volunteer role description

We recommend that you use a volunteer role description for all volunteer positions in your organisation.

The volunteer role description:

- should focus on the specific requirements of the role – being the skills or qualifications needed for the role (and not the attributes of a person), and
- can help your organisation understand what it needs and shape your advertisement

A volunteer role description will also help your organisation make decisions about what skills are required to perform the role and what checks might be necessary for the role. (Conducting unnecessary checks could lead to an allegation of discrimination).

A volunteer role description will also help:

- manage a volunteer's expectations about the role as it will set out the volunteer's roles and responsibilities
- your organisation manage the volunteer's performance and deal with any grievances as the description will be a record of what the volunteer has agreed to contribute to the organisation
- if necessary, consider whether a volunteer was acting outside the scope of their role – in particular, where injury, loss or harm has resulted from the actions or inaction of the volunteer (generally, your organisation will not be held liable if the volunteer has acted outside the scope of the work organised by the organisation or contrary to any instructions given by the organisation to the volunteer)



## National Standards for Volunteer Involvement

Volunteering Australia's National Standards for Volunteer Involvement have two standards that relate to recruitment of volunteers. These are:

- **Standard 3: Volunteer roles are meaningful and tailored** – Volunteers are engaged in meaningful roles which contribute to the organisation's or group's purpose and meet volunteer interests and preferred style of participation.

This standard outlines important considerations for the way volunteer roles are designed and ways to meet both the needs of contemporary volunteering and the objectives of the organisation.

- **Standard 4: Recruitment is equitable and diversity is valued** – Volunteer recruitment and selection strategies meet the needs of the organisation and volunteers; they facilitate and value diversity and ensure equity and accessibility.

This standard describes the recruitment policies, including appropriate screening, that ensure organisations are effective in attracting suitable volunteers while also building diversity, inclusivity, and accessibility principles into recruitment activities.

## Sample volunteer role description

A volunteer involving organisation should prepare a volunteer role description for each volunteer in the organisation. A sample volunteer role description is provided below.



### Caution

The sample volunteer role description has been developed as an example only and should be changed to meet the needs and circumstances of your organisation.



### Note

A key aspect of a genuine volunteer relationship is that either the volunteer or organisation can walk away from the arrangement at any time (see 'ending the volunteer relationship' below). You should, therefore, be careful how you frame the relationship.

Similar to the sample volunteer agreement (below), a volunteer role description should be clear and consistent in the use of language. Avoid using 'employment' type language.

For example:

- ✓ use terms such as 'volunteer', 'we would be pleased if you would', 'help to', 'provide assistance'
- ✗ avoid terms such as 'job', 'work', 'you must', 'required', 'responsible for'



## Tips

- Discuss the volunteer role description as part of the induction process (discussed below).
- Give a copy of the volunteer role description to the volunteer and keep a copy with your other records on your volunteer.
- A volunteer role description should be reviewed from time to time (for example, as part of any volunteer performance review process) and, if necessary, amended.

For more information on volunteer record keeping, see part 6 of this guide.



## National Standards for Volunteer Involvement

As outlined above, Volunteering Australia's National Standards for Volunteer Involvement have two standards that relate to recruitment of volunteers, including:

**Standard 3: Volunteer roles are meaningful and tailored** – Volunteers are involved in meaningful roles that contribute to the organisation's or group's purpose and meets volunteer interests and preferred style of participation.

- 3.1 Volunteer roles are designed and negotiated with volunteers, considering the needs and interests of volunteers.
- 3.2 Volunteer roles contribute to the organisation's purpose, goals and objectives.
- 3.3 Volunteer roles are defined documented and communicated.
- 3.4 Volunteer roles are reviewed regularly including through feedback and engagement with volunteers about their experience

## Sample volunteer role description

### Volunteer Client Enquiry Officer

#### Purpose

The Volunteer Client Enquiry Officer helps provide an effective and efficient response to client enquiries.

#### Supervision

**[Name of supervisor]** will supervise volunteers, and provide ongoing support, with focused supervision to be provided by the social workers co-ordinating the task being undertaken by the volunteer.

#### Volunteer duties and responsibilities

As a Volunteer Client Enquiry Officer at **[Name of organisation]**, you will help by performing the following duties:

- answer phone calls from members of public
- record client personal information in database
- liaise with relevant staff and social workers about client inquiries
- provide clients with general information only, in accordance with social workers instructions





- sit in on client interviews social workers and assist with note-taking
- drafting client correspondence under social workers supervision
- filing and other administrative duties related to client files and
- other duties as directed social workers volunteer coordinator or [Name of organisation] staff

### Skills, qualifications or experience required (or desirable) for role

We are looking for a volunteer with the following skills, qualifications or experience to fill this volunteer role:

- social workers, social work graduates, or 3-5th year social work students
- an understanding of the issues experienced by people who are marginalised and disadvantaged
- ability to deal with challenging client behaviours
- a demonstrated interest in social issues in Australia or internationally
- an understanding of issues of client confidentiality and the sensitive nature of clients' personal and health information
- experience in an office or client service environment – particularly a charitable organisation, and
- attention to detail and the ability to follow directions carefully

### Background checks for role

[Name of organisation] is very serious about its duty to provide clients with a professional service and to providing all people working at [Name of organisation] with a safe and healthy working environment. We are a child safe organisation. We are committed to recruiting dedicated, professional volunteers who have the skills and experience appropriate for this role.

For this reason, should you be interested in this role, we will need to collect the following information before you begin the role **[insert details such as resume, a qualification check, a Working with Children Check, police check]\***.

You will only have to provide this information following the initial meeting with the volunteer manager, and, if required, we will help to arrange for checks or help you apply for them.

If you have any questions about these background checks, please don't hesitate to contact **[insert contact information]**. Please note that we treat all information as sensitive and handle it in accordance with privacy laws. You can access a copy of our privacy policy **[here]** (or we can provide you with a copy).

Also note that we will require you to sign the attached volunteer agreement\*\*

*\* These checks are discussed below at 'volunteer screening'*

*\*\* Volunteer agreements are discussed below at 'volunteer agreement' where a sample volunteer agreement is provided*

## Volunteer screening as part of the recruitment process

It's important that volunteer involving organisations screen potential volunteers in a systematic way.

**Certain background screening checks are required by law (under legislation or contract) and others are optional.**

When deciding what checks your organisation requires to minimise risks associated with your volunteers, consider whether the volunteer's role and responsibilities will include contact with vulnerable clients or children, access to sensitive information, handling money, or operating certain machinery (including vehicles). This consideration should already be completed as part of the preparation of a role description (discussed above) as the first step of the recruitment process and the subsequent advertising for volunteers.

The [National Strategy for Volunteering](#) contemplates how volunteer screening can hold up the recruitment process and possibly discriminate against potential volunteers. These factors may influence your consideration of whether to conduct screening checks in a particular case. However, see our note below on the importance of conducting some level of screening for volunteers (even when checks are not required by law).



### Note

Even when not required, volunteer involving organisations should conduct some level of screening for volunteers. This is because all organisations have a responsibility to make sure they maintain a safe environment for all workers (paid and unpaid) and clients.

Due to this overarching duty of care (which is discussed in more detail in part 4 of this guide), organisations should always try to be well informed about the people they choose to be part of their organisations.



### The National Strategy for Volunteering

#### **On the objective to make volunteering inclusive and accessible:**

*Processes such as background checks are not easy or inclusive for those without the requisite identification documents or access to private transport. People with disability identify stigma, unconscious bias, and lack of understanding as the greatest barrier to inclusion. This includes the prevalence of ableism, where people with disability are seen as less capable, less able to contribute, and not valued as much as those without disability.*

(page 44 of the strategy)

#### **On the objective to commit to strategic investment:**

*Other parts of the volunteering infrastructure in Australia such as screening systems are often designed without volunteers in mind, which can cause bottlenecks for volunteer involvement. In Victoria the NDIS Worker Screening Check process has involved manual approval of volunteer fee waivers, causing significant delays as a larger number of volunteers required screening than anticipated. Volunteering should be safe for both volunteers and the people they volunteer with. Ensuring that screening processes, worker checks, and other safeguards that include volunteers are well-resourced and efficient is crucial to effective volunteer engagement.*

(page 61 of the strategy)

## Working with Children Checks

The laws regarding working with children requirements vary between the states and territories.

While there are plans to develop a nationally consistent approach to working with children checks and child safe organisations across jurisdictions, currently your organisation will need to comply with the law in your state (or more jurisdictions depending on where your organisation operates).



### Terminology

In this part of the guide, the screening checks for people working with children are referred to as **Working with Children Checks**, although terminology differs across states and territories.

While the working with children screening requirements and obligations differ across the states and territories, they all generally set out:

- **when Working with Children Checks are legally required**
  - They are generally required for all people who will be carrying out child-related work.



- The definition of ‘child related work’ is different across the states and territories.
- **any exemptions to the legal requirement for a check**
  - In some states and territories, exemptions are allowed where the volunteer is under 18 years of age or where the volunteer is a parent of a child and the volunteering involves an activity undertaken by that volunteer’s child.
- **the legal obligations of an organisation working with children**
  - This generally includes an obligation to make sure its workers who work with children have submitted to a working with children check in relevant jurisdictions before they begin any child related work.
- **how to apply for a Working with Children Check and other relevant matters**
  - Volunteers must apply directly through the relevant state or territory authority to obtain a Working with Children Check.

Your organisation must understand its legal obligations when it comes to Working with Children Checks.



For more information, see our [webpage on background checks](#), which includes a screening guide for each state and territory.

## Police Checks

Police Checks (sometimes referred to as ‘criminal record or history checks’) are different to Working with Children Checks. For example, not all criminal offences will be relevant for a working with children check, only those the legislation has set out on the basis that those offences pose a risk to children.

A Police Check allows an organisation to be aware of all (releasable) previous convictions (child-related or not). This may be appropriate if you are looking for a volunteer who may be transporting clients and you want to be certain they don’t have any relevant driving-related offences.

Police Checks are generally not mandatory. However, some legislation requires criminal record checks as part of people’s qualifications (for example, security guard). And sometimes a not-for-profit organisation may be under a contractual agreement to get police checks for certain positions (for example, under an agreement with the Department of Human Services for the delivery of services to children).

Make sure you comply with any obligations in any funding agreements your organisation has.

### Differences between Police Checks and Working with Children Checks include:

- what is checked
- what is revealed by the checks
- the outcome
- length of validity of the checks (a Police Check is a ‘point in time’ single check), and
- whether the check is transferable across jurisdictions



### Tip

Where there is no legal obligation to conduct a Police Check (or a Working with Children Check), your organisation may want to consider if there is still a need for a check. Consent will be required from the volunteer and you must make sure your organisation complies with privacy legislation applicable in your state or territory

This is another reason why having a volunteer role description is important – your organisation can consider the roles and responsibilities set out in the role description and decide what convictions for prior offences, if any, would preclude a person from being suitable for that role. You can then decide if your organisation is going to get a Police Check (or a Working with Children Check) for the position and you can make this clear in the volunteer role description.

If you decide the position requires a Police Check, your organisation should also consider the process it will follow if the Police Check comes back showing an offence, including discussing the check with the volunteer.

This process should:

- allow the volunteer to confidentially explain the result of the check, and
- ensure the privacy of the person and that the record of the Police Check is stored appropriately (refer to part 6 of this guide).

There are legal protections preventing discrimination on the basis of a criminal record. You must not refuse an applicant simply because they have a prior conviction for an offence that has no relevance to the available position.



### Case example

In the case of *Mr GC v State of New South Wales (Rail Corporation New South Wales)* [2012] Autry 48, the Australian Human Rights Commission found an organisation had discriminated on the basis of a criminal record.

However, your organisation has obligations to create a safe and effective environment, and you can refuse a potential volunteer on the basis of a criminal record when you believe that a prior offence prevents the applicant from performing the 'inherent requirements' of the volunteer position (refer to the discussion below 'recruitment and discrimination law'). If this situation arises your organisation may need to seek legal advice.

Police Checks (in each state and territory) are explained in more detail in [our screening guides](#).

## The National Disability Insurance Scheme Worker Screening Check Program

The National Disability Insurance Scheme (NDIS) Worker Screening Check is a national clearance system for workers providing NDIS services and supports.

Under the national scheme:

- a NDIS worker screen database of registered workers is being established
- organisations will be able to access the database to check the clearance status of workers
- NDIS providers will be responsible for identifying roles in their organisation that require a screening check and will be required to make sure all workers in these roles receive an appropriate check, and
- workers who receive a national screening check will be eligible to work in any Australian state or territory



While the system is national, workers who provide NDIS disability support apply for a check through their local state or territory authority. The national program began on 1 February 2021 (except in the Northern Territory, where the scheme began on 1 July 2021).

NDIS Worker Screening Checks (in each state and territory) are explained in more in [our screening guides](#).

## Other checks

In addition to screening required by law, it may be in the best interests of a volunteer involving organisation to make sure it conducts other background checks.

By asking for referee details and performing licence and qualification checks (and possibly asking for details of any potential conflicts of interest) an organisation can assure itself that it's making the right choice when recruiting a volunteer.

Background checks are addressed in more detail in [our screening guides](#).

## People on visas

Work restrictions may apply to the holders of temporary visas, such as tourist and student visas. These may affect whether the visa holder can engage in unpaid work (that is volunteer for your organisation).

Restrictions are indicated by particular visa conditions.



For a full list of visa conditions, see the [Department of Home Affairs 'Immigration and Citizenship' website](#).

When dealing with people who are not permanent residents, it's important to check they don't breach visa conditions due to their involvement with your organisation.

Under the [Migration Act 1958 \(Cth\) \(Migration Act\)](#), penalties apply to organisations that engage an 'illegal worker' (a non-citizen who is working without a valid visa or working or volunteering in breach of a visa condition), unless it can show that reasonable steps were taken at reasonable times to make sure the person was in fact legal.

Under the law, it doesn't matter if the organisation didn't know the person's work rights. Organisations may be penalised for simply having such a person on their premises. Therefore, it's important that organisations verify a person's immigration status and work rights before and during the volunteer work period.

A person is a legal worker if they are:

- an Australian citizen
- an Australian permanent resident
- a New Zealand citizen, or
- a foreign national with a visa with permission to work in Australia (and who is not in breach of their visa conditions, for example, the visa has expired)

To confirm the above, an organisation must sight an Australian or New Zealand passport or conduct a VEVO check. Also see [the Department of Home Affairs webpage on working in Australia](#).

If you believe or know that a potential volunteer is in Australia on a visa, then you should check that they have permission to work. These checks are important to avoid inadvertent breaches of visa conditions.



### Tips

Carefully check any conditions attached to an applicant volunteer's visa.

We recommend that organisations:

- run a [VEVO check \(online\)](#) of a person's work rights before taking them on as a volunteer if they are not an Australian citizen or permanent resident with unrestricted work rights, and
- seek independent immigration legal advice where required. More information is provided below

Remember this is also important from the volunteer's perspective – they don't want to put their visa at risk either.

The easiest and quickest way for an organisation to take reasonable steps to make sure it's engaging legal workers, is to use the Department's VEVO system. Using this system, your organisation can either:

- register as a VEVO organisation and, with the individual's consent, conduct the search yourself, or
- ask the person to send their current visa details directly from the VEVO Enquiry Form

The VEVO search will reveal the visa status and work entitlements for the visa holder. It will also state whether the person doesn't have permission to work or has work restrictions. If the visa has no work restrictions then the person is free to work and volunteer while they hold a valid visa. However, VEVO checks are only current at the time conducted.

Therefore, it's important to conduct regular checks, track relevant dates (for example, work and expiry dates), and keep records on file confirming the organisation has verified the person's immigration status and work rights.



### Caution

It's important that your organisation checks the VEVO results were recently generated and continues to conduct VEVO checks while the person volunteers with your organisation. This is because visa status and work rights may change. It's not enough to view the results of a VEVO search conducted by a third party (unless, completed by a Migration Agent) or a printed copy held by the person as these could be out of date.



### Tip

Add VEVO checks to your volunteer recruitment process and include a copy of the VEVO Results in the volunteer's file.



The Department of Home Affairs' website includes information on [engaging legal workers](#), and the [Visa Entitlement Verification Online system](#).

The [Fair Work Ombudsman website](#) features information on unpaid work.



## National Standards for Volunteer Involvement

As outlined above, [Volunteering Australia's National Standards for Volunteer Involvement](#) have two standards that relate to recruitment of volunteers, including:

**Standard 4: Recruitment is equitable and diversity is valued** – Volunteer recruitment and selection strategies meet the needs of the organisation and volunteers; they facilitate and value diversity and ensure equity and accessibility.

- 4.1 Organisations and groups engage volunteers using planned and innovative approaches to attract people with relevant interests, knowledge and skills.
- 4.2 Potential volunteers are provided with information about the organisation, how volunteers contribute to its purpose and vision, available opportunities and the selection process.
- 4.3 Volunteers are selected based on their interests, knowledge, skills and suitability for the role, and consistent with anti-discrimination law.
- 4.4 Diversity, inclusivity and accessibility principles are built into recruitment activities, reflecting and promoting awareness of, and respect for, diversity and inclusion and the inherent value this brings to the organisation.
- 4.5 Screening processes maintain the safety and security of service recipients, employees, volunteers, and the organisation, in line with legal requirements and regulations.

## Recruitment and discrimination law

Anti-discrimination law protects workers, including volunteers, in a number of ways.



For detailed information about what constitutes unlawful discrimination and whether volunteers are protected from unlawful discrimination in the workplace, see part 5 of this guide (workplace behaviour).

Regardless of whether an organisation or its volunteers are covered by anti-discrimination laws, best practice dictates that organisations extend any protections available to employees to its volunteers, including in the area of recruitment.

An overview of discrimination law in the context of recruitment of volunteers is set out below.



### What is discrimination?

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal attribute which is protected by law.

Generally, there are two types of discrimination – direct and indirect.

Anti-discrimination laws prohibit both kinds of discrimination when they occur because of a 'protected attribute' of the person (for example, age, sexuality, gender identity, disability, race). The particular



protected attributes that are covered vary under the different state and federal laws (this is explained further in part 5 of this guide).

When recruiting volunteers, using a volunteer role description (as discussed above) which focuses on the roles and responsibilities of the position should help your organisation ask questions that focus on the requirements of the role rather than the personal attributes of the potential volunteer.

For example, your organisation should be asking 'Would you need any support to assist in performing this role? This job requires lifting. Is there anything that will prevent you from performing these duties?' Your organisation should **not** be asking 'Do you have a disability? You look a bit old – are you going to be able to lift boxes of donated goods?'



### Tip – when recruiting volunteers

An organisation conducting a recruitment process for volunteers, should ask all potential volunteers the same questions and record their responses in writing. This will not only be helpful to compare all potential volunteers but also if an allegation of discrimination is made.



### Case example – failure to focus on inherent requirements

In the case of *Mr CG v State of New South Wales (Rail Corporation New South Wales)* [2012] AusHRC 48 the Australian Human Rights Commission investigated a complaint by Mr CG that he was discriminated against on the basis of his criminal record when applying for a job as a market analyst with the Rail Corporation of New South Wales (**RailCorp**).

Mr CG had been convicted of driving after consuming a prohibited amount of alcohol in 2001 and 2008. Around June 2009, Mr CG applied for the job with RailCorp. Although Mr CG met all the selection criteria and was the selection panel's preferred candidate for the Market Analyst role, he was advised that he was not offered employment because of his criminal record.

RailCorp argued that Mr CG could not, considering his criminal record, meet the inherent requirements of the Market Analyst role. The Commission rejected this argument on the basis that Mr CG's criminal offences had no connection with his employment noting that, among other things, Mr CG was not required to drive as part of his employment with RailCorp nor was he required to engage in any safety critical activities related to the provision of rail transport services.

The Commission found that RailCorp had unlawfully discriminated against Mr CG on the basis of his criminal record.





### Case example – focusing on personal attributes

In the case of *Smith v Commonwealth of Australia* (2000) EOC 93-077, Smith had applied for a position as a part-time director on the Red Meat Producer Corporation's board. She was shortlisted as one of the 12 best candidates, but her application was ultimately unsuccessful.

Smith lodged a complaint with the Human Rights and Equal Opportunity Commission alleging she had been discriminated against on the grounds of her sex, marital status and pregnancy by the Red Meat Producer Corporation selection committee.

During the interview process, while the selection committee members had asked Smith technical questions about the meat and livestock industry, they also asked if she was married and had children. When Smith confirmed she was married with children, the panel noted the role involved travel and suggested this may conflict with her family commitments. Smith said this would not be a problem.

Smith claimed the personal questions made her uncomfortable, affected her confidence and made it hard for her to stay focussed on industry issues.

The Red Meat Producer Corporation claimed that Smith's application was unsuccessful because there were already five people on the board from NSW, Smith was less experienced than other applicants, and her reference checks had not turned out well.

The Commissioner found that the asking of the interview questions about Smith's family life was a breach of the *Sex Discrimination Act 1984* (Cth) as the questions were not related to Smith's ability to perform as a director. The questions clearly placed her under greater stress and made her uncomfortable, and therefore constituted discrimination against Smith on the grounds of her sex and marital status. Smith was awarded \$2,500 in damages.

## Anti-discrimination procedures in recruitment

### Steps your organisation can take to prevent discrimination include:

having an anti-discrimination policy with a section on discrimination in recruitment that covers all workers (volunteers as well as paid workers).	<input type="checkbox"/>
preparing a role description that focuses on the skills required for the volunteer role rather than the personal attributes that may be desirable (for example, 'are you able to commit to volunteering regularly between 8am and 4pm on Tuesdays?').	<input type="checkbox"/>
considering the language you use in the volunteer recruitment process (as outlined above, avoid focusing on personal attributes such as 'do you have kids; we really need someone reliable').	<input type="checkbox"/>
using the same language in the role description across advertisements and in the interview process (see the sample volunteer role description above).	<input type="checkbox"/>
conducting regular training for all volunteers and workers about the policy so that people recognise discriminatory practices and are aware of processes for addressing them	<input type="checkbox"/>

Organisations that have an anti-discrimination policy and procedures (as a matter of best practice, if not otherwise required by law) help protect all their workers from discriminatory behaviour.

These policies and procedures will also help the organisation if a discrimination complaint is made.

### Anti-discrimination policy

We recommend that volunteer involving organisations have a policy against discrimination across the whole organisation.

**A good anti-discrimination policy should include:**

a policy statement outlining the organisation's commitment to preventing and addressing discrimination in the workplace	<input type="checkbox"/>
who is covered by the policy (volunteers as well as paid workers)	<input type="checkbox"/>
the relevant laws that apply	<input type="checkbox"/>
what constitutes discrimination (including direct and indirect discrimination and examples of both)	<input type="checkbox"/>
the attributes that are protected	<input type="checkbox"/>
when discrimination is lawful (see below for more information)	<input type="checkbox"/>
what workers should do if they experience or witness unlawful discrimination	<input type="checkbox"/>
how to make a complaint	<input type="checkbox"/>
how discrimination complaints will be handled	<input type="checkbox"/>
the consequences of breaching the policy	<input type="checkbox"/>
where to go for further information (for example, the <a href="#">Australian Human Rights Commission website</a> and the relevant state or territory anti-discrimination body).	<input type="checkbox"/>

Your organisation should also make sure all its workers (paid and unpaid) have a good understanding of the anti-discrimination policy, which may require organisations to have regular training sessions.

## When might discrimination be lawful in recruitment?

### Lawful discrimination

Generally, discrimination will be lawful when it doesn't contravene any relevant anti-discrimination legislation.

Not all discrimination is against the law.

Discrimination is not against the law if:

- the discrimination is not on the basis of a protected attribute, or
- it is excused or exempted by law

The discriminatory conduct that is excused or exempted differs between the states and territories (see below).



### Caution

The lists of types of lawful discrimination set out below are not exhaustive. There may be other situations in which discrimination is lawful. For more information, see the [Australian Human Rights Commission website](#).

Volunteer involving organisations should be careful relying on exceptions or exemptions and may need to seek legal advice.



## Australian Capital Territory

Generally, discriminatory conduct will not be against the [Discrimination Act 1991 \(ACT\)](#) if:

- a person discriminates against someone else in relation to a position as an employee or contract worker if the duties of the position involve doing domestic duties on the premises where the person lives
- a person discriminates against someone else in relation to a position as an employee or contract worker if the duties of the position involve the care of a child where the child lives
- it's for the provision of accommodation if:
  - the person who provides or proposes to provide the accommodation, or a near relative or carer of the person, lives and intends to continue to live on the premises, and
  - the accommodation provided in the premises is for not more than six people and any near relative or carer of the person
- it's for the provision of accommodation by a religious body for members of a relevant class of people
- it's for the provision of accommodation by a charitable or voluntary body for members of a relevant class of people
- a person discriminates on the ground of accommodation status in relation to the provision of accommodation if the discrimination is reasonable, having regard to any relevant factors
- an employment agency discriminates in the selection of people as suitable for a job vacancy if, had the proposed employer discriminated against the person in the same way, the discrimination would not have been unlawful
- the purpose of the act is:
  - to make sure members of a relevant class of people have equal opportunities with other people, or
  - to give members of a relevant class of people access to facilities, services or opportunities to meet the special needs they have as members of the relevant class
- a voluntary body discriminates against a person in relation to:
  - the admission of people as members of the body, or
  - the provision of benefits, facilities or services to people, whether the people are members of the body or otherwise
- a person (the first person) discriminates against someone else in relation to:
  - employment as a member of the staff of an educational institution, or
  - a position as a contract worker that involves doing work in an educational institution,if the institution is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, and the first person so discriminates in good faith to avoid injury to the religious susceptibilities of adherents of that religion or creed, or
- it's necessary to comply with an order of a court or tribunal, or is authorised by legislation

For more information, see part 5 of this guide and the [ACT Human Rights Commission website](#).



### Note and caution – Australian Capital Territory

As well as the exceptions that are expressly provided in the *Discrimination Act 1991 (ACT)*, an organisation can make an application to the ACT Human Rights Commission to be granted a temporary exemption for conduct that would otherwise contravene certain discrimination provisions.

The Commission will only grant an exemption for conduct that promotes acceptance and compliance with the Act, and the exemption will be subject to any conditions the Commission sees fit. If you are considering applying to the Commission for an exemption for your organisation, seek independent legal advice as the above information is just a guide.

For more information on how to apply for an exemption, see the [ACT Human Rights Commission webpage on granting exemptions](#).

## Queensland

Generally, discriminatory conduct will not be against the *Anti-Discrimination Act 1991 (QLD)* if:

- a special measure would need to be taken to promote substantive equality for a disadvantaged group
- it's a genuine occupational requirement for the position (for example, employing only women applicants for positions involving body searches of women)
- it's lawful to discriminate to protect public health or the health and safety of people at a place of work
- the employer can demonstrate that it would impose unjustifiable hardship on the organisation to make reasonable adjustments to accommodate the impairment
- a religious body discriminates (except on the basis of age, race or impairment), in the area of employment, against a person who openly acts in a way contrary to the employer's religious beliefs
- the role or service is targeted towards people who are married if you would like the role to be done by a married couple
- the role involves working with children and the discrimination is on the basis of gender identity or lawful sexual activity (where the discrimination is reasonably necessary to protect the child) or against people with a conviction for a child sex offence or those disqualified from working with children under any Act in Australia
- a person is acting in compliance with pre-existing industrial awards and agreements, other pre-existing legislation and court orders, or
- discrimination is on the basis of gender and the role is a live-in job where sleeping accommodation is provided for one sex only and supplying separate accommodation would impose unjustifiable hardship on an employer

For more information, see part 5 of this guide and the [Queensland Human Rights Commission website](#).



### Note and caution – Queensland

If an organisation can show that their proposed actions are likely to contravene the [\*Anti-Discrimination Act 1991 \(Qld\)\*](#) and the actions are not covered by the specific or general exemptions in the Act, they may apply to the Queensland Industrial Relations Commission (QIRC) for a work-related exemption, or to the Queensland Civil and Administrative Tribunal (QCAT) for all other exemptions.

QCAT may grant a temporary exemption from the operation of a specified provision to allow conduct that might otherwise be discriminatory. This might include, for example, restricting accommodation to single people, or recruiting for women or men only.

If you are considering applying to either QIRC or QCAT for an exemption for your organisation, seek independent legal advice as the above information is just a guide.

For more information on how to apply for an exemption, see the [Queensland Human Rights Commission webpage on granting exemptions](#).

## Northern Territory

Generally, discriminatory conduct will not be against the [\*Anti-Discrimination Act 1992 \(NT\)\*](#) if:

- an educational authority, in accordance with the doctrine of a particular religion, excludes applicants on the grounds of religious belief or activity, or sexuality and is in good faith to avoid offending the religious sensitivities of people of the particular religion
- it's based on a genuine occupational qualification or requirement in relation to a particular position
- the person's inability to adequately perform the inherent requirements of the work even where the special need of the other person has been or were to be accommodated
- offering work where the work is to be performed in the person's home
- it's on the grounds of irrelevant criminal record if the work principally involves the care, instruction or supervision of vulnerable persons and the discrimination is reasonably necessary to protect the physical, psychological or emotional well-being of those vulnerable persons, or
- it's necessary to comply with an order of a court or tribunal, or it is authorised by legislation

For more information, see part 5 of this guide and the [Northern Territory Anti-Discrimination Commission website](#).



### Note and caution – Northern Territory

As well as the exceptions that are already expressly provided for by the [\*Anti-Discrimination Act 1992 \(NT\)\*](#), an organisation can make an application to the Anti-Discrimination Commissioner for a temporary exemption for conduct that would otherwise contravene certain discrimination provisions.

The Commissioner may grant an exemption on the basis that the proposed discriminatory conduct seeks to redress past discrimination, and the exemption will be subject to any conditions the Commissioner sees fit. If you are considering applying to the Commissioner for an exemption for your organisation, seek independent legal advice as the above information is just a guide.



## New South Wales

Generally, discriminatory conduct will not be against the [Anti-Discrimination Act 1977 \(NSW\)](#) if:

- it's necessary to protect the public health where discrimination is against a person on the grounds of disability if the disability concerned is an infectious disease
- an applicant or employee is unable to carry out the 'inherent requirements' (essential duties) of the role (and taking steps to accommodate the person would impose 'unjustifiable hardship' on the employer)
- the role or service is targeted towards people of one sex only, towards a particular age group or towards a particular race or ethnic group, where being that particular sex, within that particular age group or of the race or ethnic group is a 'genuine occupational qualification' essential for doing the role
- the role or service is targeted towards people who are married if you would like the role to be done by a married couple
- a religious body or organisation discriminates in:
  - ordaining or appointing priests, ministers of religion or members of a religious order (or training or educating those people seeking appointment), or
  - selecting or appointing people to perform functions relating to, or participating in, any religious observance or practice, or
- your organisation has obtained an exemption from the President of the NSW Anti-Discrimination Board to allow discrimination on any ground and in any area covered by NSW anti-discrimination laws

For more information, see part 5 of this guide and [Anti-Discrimination New South Wales' website](#).



### Note and caution – New South Wales

There are two ways to apply for an exemption under the [Anti-Discrimination Act 1977 \(NSW\)](#):

- apply to the President of the Anti-Discrimination Board of NSW for an exemption to allow discrimination on any ground and in any area covered by the Act. These exemptions generally relate to employment and recruitment.
- apply to the Minister (currently the Attorney General) for a certificate that a special needs program or activity can operate in a discriminatory manner. The Minister can't grant a certificate for race or age discrimination. These exemptions apply to special needs programs, activities or facilities which promote access for certain groups of people affected by unlawful discrimination.

If you are considering applying for an exemption for your organisation, seek independent legal advice as the above information is just a guide.

For information on how to apply for exemptions and specific timeframes, see [Anti-Discrimination New South Wales' webpage on granting exemptions](#).

## South Australia

Generally, discriminatory conduct will not be against the [Equal Opportunity Act 1984 \(SA\)](#) if:

- it's a special measure being taken to achieve equal opportunity for people of a particular disability, race, age, sex, marital status, or for pregnant women, people with caring responsibilities and people of a chosen gender
- it's a genuine occupational requirement for the position (for example, employing only women applicants for positions involving body searches of women)
- it's discrimination based on sexual orientation, gender identity or intersex status in relation to employment or engagement for the purposes of an educational institution if:



- the educational institution is administered in accordance with the precepts of a particular religion and the discrimination is founded on the precepts of that religion
- the educational authority administering the institution has a written policy stating its position in relation to the matter
- a copy of the policy is given to a person who is to be interviewed for or offered employment with the authority or a teacher who is to be offered engagement as a contractor by the authority, and
- a copy of the policy is provided on request, free of charge to employees, contractors and prospective employees and contractors of the authority; to students, prospective students and parents and guardians of students and prospective students of the institution; and to other members of the public
- it's discrimination on the ground of gender identity for the purpose of enforcing standards of appearance and dress reasonably required for employment
- if the person has an attribute which means that they would not be able:
  - to perform their work adequately without endangering themselves or others, or
  - to respond adequately to situations of emergency that should reasonably be anticipated in connection with the employment
- the employer can demonstrate that it would impose unjustifiable hardship on the organisation to make reasonable adjustments to accommodate the impairment, or
- it's necessary to comply with an order of a court or tribunal

For more information, see part 5 of this guide and South Australia's [Equal Opportunity Commission's website](#).



### Note and caution – South Australia

As well as the exceptions expressly provided for in the [Equal Opportunity Act 1984 \(SA\)](#), an organisation can make an application to the South Australian Employment Tribunal for a temporary exemption from certain discrimination provisions (including outside of employment situations).

An exemption may be granted if, for example, your program or service aims to promote equality of opportunity between people, prevent certain kinds of discrimination or helps people to participate in the economic and social life of the community. If you are considering applying for an exemption, seek independent legal advice as the above information is just a guide.

For more information on how to apply for an exemption, see South Australia's [Equal Opportunity Commission's website](#).



## Tasmania

Generally, discriminatory conduct will not be against the [\*Anti-Discrimination Act 1998 \(Tas\)\*](#) if:

- a program, plan or arrangement is designed to promote equal opportunity for a group of people who are disadvantaged or have a special need because of a prescribed attribute
- it's required by the doctrines of the religion of an institution
- if in employment, it's for the purpose of the residential care of persons under the age of 18 years
- if in employment, it's based on a genuine occupational qualification or requirement in relation to a particular position
- in accommodation, if it's a shared accommodation for less than five adult persons
- if in employment, the person has an attribute which means that they would not be able:
  - to carry out the inherent requirements of the employment, or
  - in order to carry out those inherent requirements would require services or facilities not reasonably required by another person, the provision of which would impose unjustifiable hardship, and
- it's reasonably necessary to comply with an order of a commission, court or tribunal, or is authorised by laws of Tasmania or the Commonwealth

For more information, see part 5 of this guide and [Equal Opportunity Tasmania's website](#).



### Note and caution – Tasmania

As well as the exceptions already provided for in the [\*Anti-Discrimination Act 1998 \(Tas\)\*](#), an organisation can make an application to the Anti-Discrimination Commissioner for a temporary exemption for conduct that would otherwise contravene certain discrimination provisions of the Act.

The Commissioner will only grant an exemption for conduct that furthers the purposes of the Act, and the exemption can be subject to any conditions the Commissioner sees fit. If you are considering applying to the Commissioner for an exemption for your organisation, seek independent legal advice as the above information is just a guide.

For more information on how to apply for an exemption, see [Equal Opportunity Tasmania's webpage on granting exemptions](#).

## Victoria

Generally, discriminatory conduct will not be against the [\*Equal Opportunity Act 2010 \(Vic\)\*](#) if:

- it's necessary to comply with an order of a court or tribunal, or is authorised by an Act
- a religious body or organisation discriminates in:
  - ordaining or appointing priests, ministers of religion or members of a religious order (or training or educating those people seeking appointment)
  - selecting or appointing people to perform functions relating to, or participating in, any religious observance or practice
- conforming to the doctrines, beliefs or principles of the religion or where it is reasonably necessary to avoid injury to the religious sensitivities of people who follow the religion (where discrimination is on the basis of a person's religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity)
- it's necessary to protect the health and safety of any person, including the person being discriminated against (where discrimination is on the basis of disability, pregnancy or physical features)





- it's necessary to protect property of any person (including the person discriminated against) or any public property (where discrimination is on the basis of disability or physical feature), or
- your organisation is providing special services, benefits or facilities to meet the special needs of people with a particular personal characteristic

For more information, see part 5 of this guide and the [Victorian Equal Opportunity and Human Rights Commission's website](#).



### Note and caution – Victoria

If your organisation's planned action doesn't fall within one of the statutory exceptions in the [Equal Opportunity Act 2010 \(Vic\)](#), the Victorian Civil and Administrative Tribunal (**VCAT**) may grant temporary exemptions, allowing discrimination to be legal in some circumstances if it believes that this would further the Act's goal of promoting equal opportunity.

Exemptions apply for the period set by VCAT, which can't be longer than five years. VCAT may also attach conditions when granting an exemption, such as a requirement to provide periodic reports on how often the exemption is applied. You may also wish to apply for an exemption in cases where you are unsure whether an exception or special measure applies.

If you are considering applying to VCAT for an exemption for your organisation, seek independent legal advice as the above information is just a guide.

For more information on how to apply for an exemption, see the [Victorian Equal Opportunity and Human Rights Commission's webpage on granting exemptions](#).

## Western Australia

Generally, discriminatory conduct will not be against the [Equal Opportunity Act 1984 \(WA\)](#) if:

- it's an act a purpose of which is to afford a person with a particular family responsibility or of a particular family status access to facilities, services or opportunities to meet their special needs in relation to employment, education, training or welfare, or any ancillary benefits
- an employer who provides accommodation to its employees, provides accommodation of different standards to different employees where:
  - the standard of the accommodation provided to each employee is determined having regard to the number of persons in the household of the employee, and
  - it's not reasonable to expect the employer to provide accommodation of the same standard for all employees
- an employer restricts the employment of a person if:
  - that person is a relative of an employee of the employer, or
  - that person is a relative of an employee of another employer,
 and the first-mentioned employer can demonstrate, after making reasonable enquiries, that there is a significant likelihood of collusion between that person and that person's relative which would result in damage to the business of the first-mentioned employer
- it's based on a genuine occupational qualification or requirement in relation to a particular position
- carried out by an employer, principal or person:
  - where the employer or principal is a private educational authority, or
  - in the case of employment or work in a hospital or other place where a medical or other health related service is provided, where the employer or principal is a religious body,

if the duties of the employment or work are for the purposes of, or in connection with, or otherwise involve or relate to, the participation of the employee in any religious observance or practice



- carried out by an employer on the ground of the holding or not holding of any political conviction or the engaging in or refusal or failure to engage in any lawful political activities with respect to the offering of employment or work
- carried out by an employer on the ground of the impairment of that person if it is reasonable for the employer to conclude that the person with the impairment, because of that impairment:
  - would be unable to carry out work reasonably required to be performed in the course of the employment or engagement concerned, or
  - would, in order to carry out that work, require services or facilities that are not required by persons who do not have an impairment and the provision of which would impose an unjustifiable hardship on the employer
- carried out by an employer on the ground of the other person's age when an engagement is offered or access to goods, services or facilities are provided if it is to ensure compliance with health and safety considerations, or
- it's necessary to comply with an order of a court or tribunal.

For further information, see part 5 of this guide and Western Australia's [Equal Opportunity Commission's website](#).



### Note and caution – Western Australia

As well as the exceptions that are already expressly provided for by the [Equal Opportunity Act 1984 \(WA\)](#), an organisation can make an application to the State Administrative Tribunal for a temporary exemption from certain discrimination provisions.

The Tribunal may grant a temporary exemption for a period not exceeding five years and subject to any conditions it sees fit. If you are considering applying to the Tribunal for an exemption for your organisation, seek independent legal advice as the above information is just a guide.

For more information on how to apply for an exemption, see the [State Administrative Tribunal's website](#).



# Inducting your volunteers

Providing volunteers with a proper induction process is a good way to show your organisation's commitment to its volunteers – it's the first impression the new volunteer will get of your organisation.



## What is induction?

Induction is the process of welcoming new volunteers to the organisation and familiarising them with their role, the role of other workers (paid and unpaid) and the workplace more broadly.

All volunteers should complete the induction process before starting any volunteer duties.

After completing induction, volunteers should:

- know where to access your organisation's policies and procedures, and
- have copies of those that are particularly relevant to them and their role (for example, health and safety, privacy and volunteer grievance policies)

## Checklist – volunteer induction

We recommend you complete an induction checklist for each new volunteer – a sample checklist is below.



### Note – the sample induction checklist

The sample induction checklist may be used generally with volunteers, it is not exhaustive and you should change it to meet the needs of your organisation.

The sample induction checklist doesn't constitute legal advice.

It may be appropriate to have a separate checklist for different volunteer positions.

For example – all your committee members (also called board members or directors) may be volunteers. We recommend that new committee members have an induction to the role of the committee – it's important they understand the role of a committee generally, their specific role on the committee and how that role differs to the roles of other people in the organisation.

Review the checklist to make sure it's consistent with the volunteer role description (for example, if a volunteer is going to be using your organisation's vehicles you may want to make sure that an overview of any relevant vehicle policies and procedures are included as part of the induction process).

Once the induction checklist is completed, give a copy to the volunteer. You should also keep a copy with other records in relation to your volunteer. Part 6 of this guide provides further information on volunteer record keeping.



For more information on the process of inducting new board members see our fact sheets '[Introduction to the board member role for new board members](#)' and '[Board Inductions – bringing on a new board member](#)'.



## Sample volunteer induction checklist

Checklist of Items	Completed	Follow up? Who will follow up?
Welcomed and introduced to other workers (paid and unpaid)	<input type="checkbox"/>	
Provided background about organisation and overview of organisational structure	<input type="checkbox"/>	
Work station prepared and relevant safety considerations undertaken	<input type="checkbox"/>	
Walk through of the workplace and discussed work premises, facilities and Work Health and Safety (emergency procedures, first aid, safety considerations in the role, reporting health and safety concerns, critical incident policies)	<input type="checkbox"/>	
Discussed volunteer role description, expectations and reporting structure	<input type="checkbox"/>	
Discussed volunteer agreement including important issues like the nature of the relationship, how it can end, reimbursements (and signed)	<input type="checkbox"/>	
Discussed consent and release form (and signed)	<input type="checkbox"/>	
Key contact person allocated (to go to with any concerns, feedback or queries about role and duties)	<input type="checkbox"/>	
Policies provided and read by the volunteer (with confirmation in writing):	<input type="checkbox"/>	
• Privacy policy	<input type="checkbox"/>	
• Workplace behaviour policies (including policies about communications and social media that set out expectations about media, print and email)	<input type="checkbox"/>	
• Health and Safety policy	<input type="checkbox"/>	
• Volunteer grievance policy	<input type="checkbox"/>	
• [Add other key policies and procedures, for example, conflict of interest, working with vulnerable clients, return of property]	<input type="checkbox"/>	
Conducted training in relation to the role, including any machinery and equipment use	<input type="checkbox"/>	
Conducted or scheduled training in relation to workplace behaviour policies and risk management	<input type="checkbox"/>	
Discussed insurance coverage as a volunteer (what cover is available under the organisation's insurance)	<input type="checkbox"/>	
Signature of volunteer:	Date:	
Signature of volunteer manager:	Date:	



## National Standards for Volunteer Involvement

### Volunteering Australia's National Standards for Volunteer Involvement

**Standard 5: Volunteers are supported and developed** – Volunteers understand their roles and gain the knowledge, skills and feedback needed to participate safely and effectively

**5.1** Volunteers are provided with relevant induction and training.

Evidence of this would include:

- induction requirements for volunteer roles are documented and implemented
- volunteer induction includes information about the organisation, their volunteer role and how it contributes to the organisation's purpose, goals and objectives
- volunteers are made aware of their rights and responsibilities
- where appropriate, volunteers understand and agree to a code of conduct or rights and responsibilities statement

## Volunteer agreement

A volunteer agreement is an important part of engaging volunteers, helping to make sure the volunteer understands their rights, role and responsibilities along with those of the organisation.

It's also important in helping your organisation manage its obligations in relation to health and safety.

As set out in part 4 of this guide, the workplace health and safety (**WHS**) legislation enacted throughout Australia creates obligations for most organisations to ensure the health and safety of their volunteers. In addition to any obligations under the WHS laws your organisation also has a general duty of care towards your volunteers.

There are other reasons in which a volunteer agreement may become important, including clarity on the ownership of intellectual property (discussed below and also in part 6 of this guide).



### More information – sample volunteer agreement

You can download a sample volunteer agreement from [our volunteer webpage](#). A sample agreement with drafting tips is also available.

The sample volunteer agreement may not be appropriate for every volunteer involving organisation. You should change the sample agreement to meet the needs of your organisation using the tips published with the agreement.

The sample volunteer agreement doesn't constitute legal advice. Your organisation may need to consider seeking legal advice on its volunteer agreement

Once the volunteer agreement has been discussed with your volunteer and signed (see below), you should give a copy to the volunteer.

You should also then keep a copy with your other records in relation to your volunteer. For further information on volunteer record keeping, refer to part 6 of this guide (organisational issues applicable to volunteers).



### Tips – volunteer agreement drafting

- be clear that you have engaged the person as a volunteer
- include a statement that the parties don't intend to enter into a legally enforceable contract in relation to the carrying out of the work (refer to 'non-legal nature of the volunteer relationship' below)
- consider if you need to be extra clear on certain rights and obligations between the organisation and the volunteer – such as intellectual property and confidentiality (refer to 'non-legal nature of the volunteer relationship' below)
- be clear and consistent in the use of 'non-employment' type language
- use terms such as 'help to' and 'we would be pleased if you would'
- avoid terms such as 'pay, payment, salary, contract, work, appointment' or 'you must'
- be clear that the volunteer will not be receiving payment for work but may receive reimbursement for reasonable expenses and that any other non-monetary benefits provided to the volunteer are done so on a gratuitous basis only and are not payment in lieu of salary
- outline what the volunteer can expect from the organisation (for example, an induction, supervision and applicable insurance coverage)
- outline what the organisation expects from its volunteers (for example, compliance with policies and procedures including WHS, privacy, confidentiality and workplace behaviour), and
- ask the volunteer to notify you if they are unable to attend to any allocated tasks

## Volunteer agreement and the non-legal nature of the volunteer relationship



### What is a legally binding relationship?

A legally binding relationship is a relationship where the parties have agreed they have legal obligations to each other.

Generally, this means that they intend that the promises made by each party will be binding, and if one party breaches the terms of the agreement, the other one has a right to seek damages against the breaching party or, in some circumstances, force the other party to perform certain obligations under the agreement

The nature of volunteering requires that there is no legally binding relationship between the parties regarding the volunteer work to be carried out.

For example, if the organisation doesn't provide the volunteer with work, the volunteer has no recourse against the organisation. Similarly, if the volunteer fails to report for duty as agreed, the organisation has no legal recourse against the volunteer. This is also explained in part 2 of this guide (which deals with the differences between a volunteer and other workers, like employee relationships).



## What about intellectual property and confidential information?

There may be situations where a volunteer involving organisation wants to be very clear on certain rights and obligations between the organisation and the volunteer.

For example, if the volunteer is producing or creating material in their role, the organisation may want to be clear with the volunteer about who owns the intellectual property in the material. If the volunteer is exposed to confidential information, the organisation may wish to be clear with the volunteer about their confidentiality obligations.

See part 6 of this guide for more information on intellectual property and confidential information.

Our [sample volunteer agreement](#) makes it clear to the volunteer that they have obligations in relation to intellectual property and confidentiality. However, because the sample volunteer agreement has been drafted as a **non-legally binding agreement**, the organisation may not have legal recourse against the volunteer if something goes wrong (for example, if the volunteer discloses confidential information or decides to keep the intellectual property they created for the organisation and use it for their own personal gain).



## It's a risk assessment

Some volunteer involving organisations may conduct a risk assessment and decide that a non-legally binding volunteer agreement is appropriate and provides adequate protection.

Other organisations may be particularly concerned with protecting confidentiality and intellectual property and seek to impose legally binding obligations on the volunteer in relation to these matters. If in doubt, seek legal advice.

Organisations can impose legally binding obligations on the volunteer in relation to these matters by:

- asking their volunteers to enter into separate legally binding agreements regarding intellectual property and confidentiality, or
- amending the sample volunteer agreement below to make it legally-binding

In both cases, the agreements would need to be executed (signed) in a legally binding manner, such as a 'deed' (see below for more information on 'deeds').

Provided the legally binding obligations go no further than this (they are not imposing legal obligations on the volunteer around other tasks or the work), having a legally binding agreement in relation to intellectual property or confidentiality should not, by itself, affect the nature of the volunteer relationship.



## Caution

Seek legal advice before asking volunteers to enter a legally binding arrangement in relation to intellectual property or confidentiality.



### Note on volunteer agreement being ‘executed’ (signed) as a deed

If an organisation wishes to create legally binding obligations in relation to intellectual property or confidentiality, you will need to amend the [sample volunteer agreement](#) we have published so that it’s executed (signed) as a deed. Seek legal assistance if you wish to alter the sample volunteer agreement and make it a deed.



### What is a deed?

A deed is a special type of binding promise or commitment to do something. It’s not the same as a contract. A deed doesn’t require ‘consideration’.

Consideration is one of the four requirements for a contract to be valid and enforceable, and generally refers to the exchange of something of value, such as the exchange of labour for payment. This makes deeds useful documents when a promise is being made without anything in return for that promise (such as payment). We explain this in more detail below.



### Caution – unincorporated associations

If your organisation is an unincorporated association (which means that it has not formalised its structure through a process of registration with government), it can’t enter contracts (including deeds) in its own name. Seek legal advice if your organisation wants to make the volunteer agreement legally binding.

## Deed of agreement – intellectual property and confidential information

### The non-legal nature of the volunteer relationship

As explained above, the nature of a volunteer relationship requires that there is no legally binding relationship between a volunteer and a not-for-profit organisation regarding the volunteer work to be performed. For example, if the organisation doesn’t give the volunteer work, the volunteer has no recourse against the organisation. Similarly, if the volunteer doesn’t report for duty as agreed, the organisation has no recourse against the volunteer.

### Intellectual property and confidential information

There may be situations where an organisation wants to be very clear on certain rights and obligations between the organisation and the volunteer. For example, if the volunteer is producing or creating material in their role, the organisation may want to make it clear who owns the intellectual property in the material. If the volunteer is exposed to or dealing with confidential information, the organisation may also wish to be clear with the volunteer about their confidentiality obligations.



### When is it appropriate to have a legally binding agreement?

Some volunteer involving organisations may conduct a risk assessment and decide that a non-legally binding volunteer agreement is appropriate and adequate. Other organisations may be particularly concerned with protecting confidentiality and intellectual property and seek to impose legally binding obligations on the volunteer in relation to these particular matters.





Organisations can impose legally binding obligations on the volunteer in relation to these matters by asking their volunteers to enter into a separate legally binding agreement, such as a 'deed', regarding intellectual property and confidentiality.

Provided the legally binding obligations go no further than this (that is, they aren't imposing legal obligations on the volunteer around other tasks or the work), having a legally binding agreement in relation to intellectual property or confidentiality should not, by itself, affect the nature of the volunteer relationship.



### More information – sample confidentiality and intellectual property deed

You can download a sample confidentiality and intellectual property deed from [our volunteer webpage](#).

**Note** – the deed published on our volunteer webpage is a generic, sample deed of agreement. It's not legal advice and may not suit your organisation. Your organisation will need to draft a deed of agreement to suit your circumstances and may want to seek legal advice on this.



### Caution

A deed is a legally binding document. Seek legal advice before asking volunteers to enter a legally binding arrangement in relation to intellectual property or confidentiality.



### What does 'execution' mean?

Execution means signing an agreement, and doing this with any required formalities – for example, in some cases, a witness to the signing may be required.

**Note** – a witness is no longer required for Australian registered companies, which are now allowed to execute documents (including deeds) through an agent or authorised representative without a witness. The witness requirement for execution of a deed may still apply to some entities that are not incorporated under the Corporations Act (for example, some incorporated associations). **You will need to check the signing requirements for your organisation.**

For the signing of a deed (a sample deed is published [on our volunteer webpage](#)), the person signing the deed on behalf of your organisation must be authorised to do this – make sure you check authority before signing the agreement.

If the signing must be witnessed, it should be witnessed by a third person (not the volunteer or the person authorised to sign on behalf of the organisation).

If the volunteer is working remotely, and a witness is not required, they can print and sign the deed and provide the original signed deed to the organisation by post, or a scanned copy by email.

If the volunteer is working remotely, and a witness is required, they can print and sign the deed (provided they have a witness with them, who can witness their signature) and provide the original signed and witnessed deed to the organisation by post, or a scanned copy by email.



### What are 'moral rights'?

Moral rights are the right to be credited for your work, not to have your work falsely attributed to another artist and not to have your work treated in a derogatory way. You continue to have these rights even if you transfer your intellectual property rights to someone else.

The moral rights consent requested in the sample Deed means that the volunteer will not enforce these rights against the organisation.

You can find out more information about moral rights in part 6 of this guide and from the [Australian Copyright Council](#).



# Managing the performance of volunteers

Managing the performance of volunteers can be problematic if not done correctly. A well-structured performance management system provides benefits both to the volunteer involving organisation and the volunteer.

The benefits of performance management include:

- establishing the volunteer performance objectives and how these objectives align with both the organisation's values, purposes and activities and the volunteer's roles and responsibilities as set out in the volunteer role description
- improved guidance and assistance in developing the potential of the volunteer and their capabilities
- identifying the volunteer's training needs, and
- improved communication and relationships between a volunteer and their manager, including an agreed process for feedback from the volunteer



## Example

Sarah, a long-standing volunteer with the organisation, was angry about a misunderstanding and upset a member of staff. Another time, she was short-tempered with a different volunteer in front of peers, shocking them as well.

Her supervisor reviews the organisation's volunteer performance management policy and asks Sarah to attend a volunteer performance management meeting. The supervisor clearly outlines the two incidents which occurred. Sarah admits that the incidents occurred and is quite upset about her conduct. Sarah apologises to the shift supervisor and says that she is very overwhelmed in her personal life. Sarah acknowledges that she can no longer commit to the organisation as a volunteer. Sarah and the shift supervisor agree to end the volunteer relationship. The shift supervisor took clear notes of the meeting with Sarah. Both Sarah and the shift supervisor signed the notes from the meeting. The organisation provided a letter to Sarah thanking her for her time at the organisation and confirming the volunteer relationship had ended.

## Organisational performance management plan

A volunteer involving organisation should have a plan in place for how it will manage the performance of all its workers. Although managing the performance of employees involves risks that don't apply to volunteers (for example, unfair dismissal), best practice dictates that the management of volunteers shouldn't differ significantly from the management of employees. This provides consistency of treatment and gives workers some certainty about the process they may expect when issues come up.

A useful way to think about performance management is to think in terms of both conduct and performance. 'Performance' generally refers to the quality of work. For example, only partly recording a client's contact details in the organisation's systems or failing to collect necessary information from a client.

This differs from 'conduct' which generally refers to the deliberate breaking of workplace rules, such as misuse of the organisation's equipment (for example, using a vehicle without permission or in breach of the organisation's policies), disclosure of confidential information or inappropriate workplace behaviour (for example, bullying or sexual harassment).



## National Standards for Volunteer Involvement

Volunteering Australia's National Standards for Volunteer Involvement are relevant to the discussion on performance management.

**Standard 7: Volunteers are recognised** – Volunteer contribution, value and impact is understood, appreciated and acknowledged.

**7.2** Volunteer effort is measured and acknowledged in the organisation's reporting and used to demonstrate impact.

Evidence of this would include:

- volunteers are informed of the organisation's reasons and benefits for involving volunteers
- volunteers are provided with feedback on the impact and value of their contribution to the organisation and its work
- the governing body, employees and volunteers are involved in the evaluation of volunteer participation

**Standard 8: Volunteer policies and practices are continuously improved** – Effective volunteer involvement results from a system of good practice, regular review and continuous improvement.

**8.1** Policies and procedures are designed and implemented to effectively guide all aspects of volunteer involvement.

**8.2** Volunteer involvement is regularly reviewed in line with the organisation's evaluation and quality management frameworks.

**8.3** The organisation's performance with volunteer involvement is monitored and reported to the governing body, employees, volunteers and other stakeholders.

**8.4** Opportunities are available for volunteers to provide feedback on their experience and relevant areas of the organisation's work.

### A performance management plan should include:

**A review of the volunteer's performance after a set period** – although volunteers don't generally have a formal probationary period, it's a good idea for the organisation to set a timeframe following which it will consider whether the volunteer arrangement is working out as expected. If the arrangement is not working out, it's better for the organisation (and potentially its clients), if it addresses this and, if necessary, ends the arrangement.

**Periodic appraisal of performance** – where possible, this should be a formal and documented process which:

- set out aspects of the volunteer's work that is both satisfactory and unsatisfactory and how unsatisfactory aspects of work performance might be improved
- identifies any training required or desirable, and
- allows for goal setting for the upcoming appraisal period

Generally, appraisals are carried out at least annually but (depending on the nature of the work) may be more often. Don't confuse periodic performance appraisal with performance management procedures. Performance management procedures address specific performance or conduct issues when they arise.



**Performance management** procedures – when specific issues that relate to performance or conduct (or both) arise, they should be addressed immediately (see ‘performance management procedures and process’ below). Failure to do so may result in damage to the organisation’s reputation or property, damage or distress to clients, discontent among other volunteers and the creation of vicarious liability for the organisation (see part 4 of this guide on safety).

**Ending the relationship** – when volunteers don’t respond appropriately to performance management procedures it may be necessary for the organisation to end the volunteer relationship (see ‘ending the relationship’ below).

## Performance management procedures and process

Your organisation should develop procedures on how it will manage specific issues relating to performance or conduct (or both) that arise. As outlined above, this should be separate to any process in place for performance appraisal.

If an issue relating to performance or conduct arises, notify the volunteer of the issue and arrange a meeting.

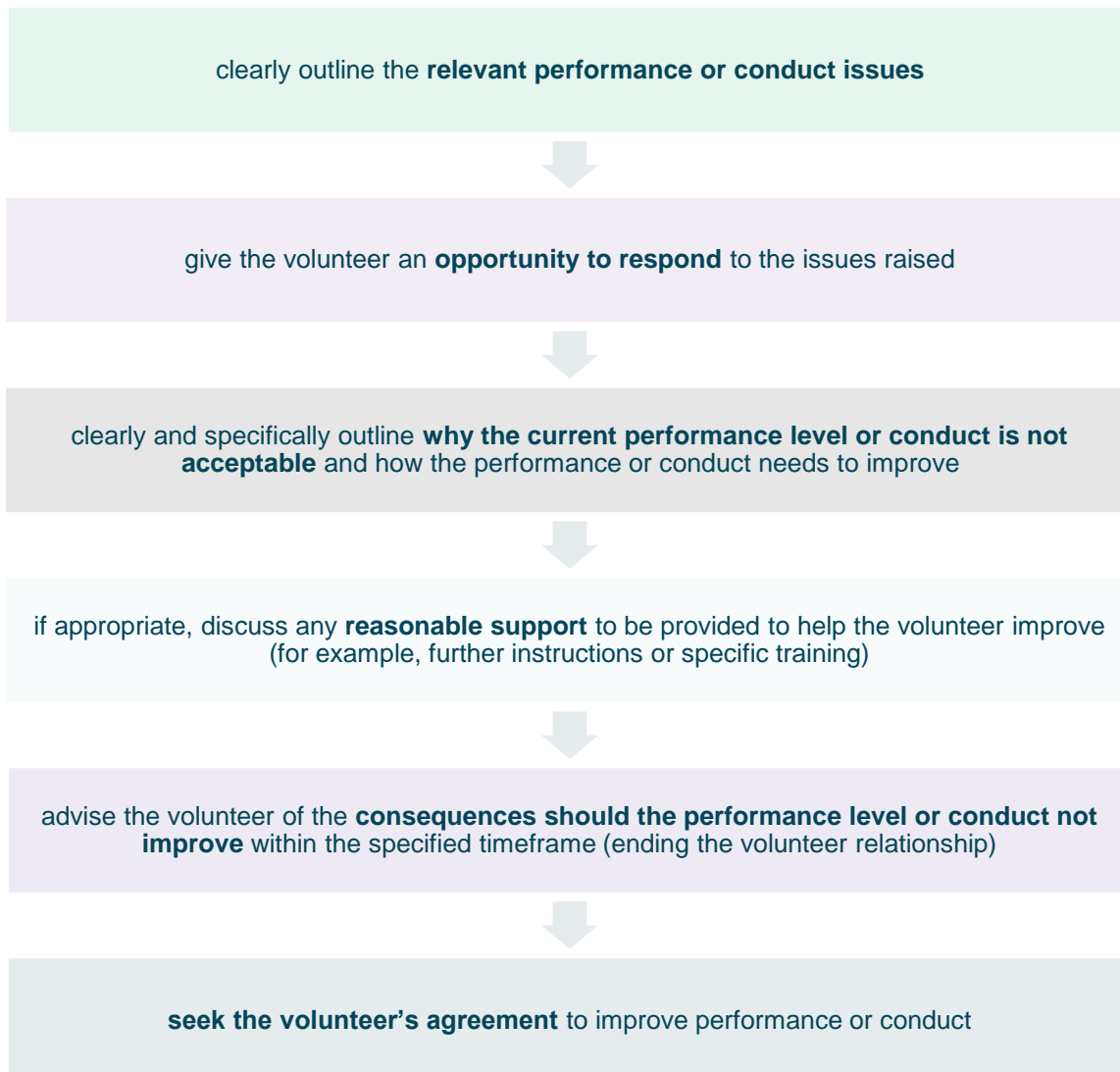
It’s good practice to ask the volunteer if they would like to have a support person present at the meeting. Make sure you keep a record that the offer was made (particularly if the offer is declined).

Keep written notes of both the performance or conduct issues and of the meeting itself. It may also be useful to have another person from the organisation in the meeting.

Following the meeting, consider the volunteer’s responses to the issues raised and the need for continued monitoring of the volunteer’s performance and conduct objectively. In some cases, it may be preferable or appropriate to simply end the volunteering relationship. (See ‘ending the relationship’ below).



## Follow this process at the meeting:





## National Standards for Volunteer Involvement

### Volunteering Australia's National Standards for Volunteer Involvement

**Standard 5: Volunteers are supported and developed** – Volunteers understand their roles and gain the knowledge, skills and feedback needed to participate safely and effectively.

- 5.1 Volunteers are provided with relevant induction and training.
- 5.2 Volunteers' knowledge and skills are reviewed to identify support and development needs.
- 5.3 Volunteers are engaged with throughout their time and provided with supervision and support that enables them to participate fully.
- 5.4 People with responsibility for volunteers have sufficient time and resources to engage with and provide proper support.
- 5.5 Changes to the role of a volunteer are fair and consistent and achieved through engaging with the volunteer.

See this standard for examples of evidence of meeting this criteria.



# Managing volunteer grievances



## Note

Volunteers have the right to express grievances with the volunteer program or your organisation. Your organisation should make sure the volunteer's grievances are heard and dealt with in an appropriate manner.

Grievances occur in most volunteer involving organisations. They can be raised on topics including workload and work distribution, work conditions, and management-volunteer relations.



## National Standards for Volunteer Involvement

Volunteering Australia's National Standards for Volunteer Involvement

**Standard 6: Volunteer safety and wellbeing is protected** – The health, safety and wellbeing of volunteers is protected and volunteers understand their rights and responsibilities.

This standard commits the organisation to protecting volunteer safety and wellbeing and recognises its duty of care to volunteers. Adopting this standard assists the organisation to meet its obligations for the health, safety and wellbeing of volunteers, manage risk and provide a supportive and responsive workplace for volunteers.

- 6.1 Effective working relationships with employees, and between volunteers, are facilitated.
- 6.2 Organisations and groups meet their legal and ethical obligations to protect volunteers from harm.
- 6.3 Processes are in place to protect the health, safety and wellbeing of volunteers in their capacity as volunteers, including relevant insurances, such as personal injury and liability.
- 6.4 Volunteers understand and have access to complaints procedures.
- 6.5 Complaints, concerns and safety incidents are analysed to identify causes and inform continuous improvement.

See this standard for examples of evidence of meeting this criteria.

To make sure volunteers' grievances are heard and dealt with in an appropriate manner, a volunteer involving organisation should:

- develop and implement a policy for managing volunteer grievances (see 'volunteer grievance policy' below)
- provide the policy to your volunteer (attaching the policy to the volunteer agreement is a good way to make sure the volunteer has a copy, and the policy can also be discussed as part of the induction process)
- make sure all volunteer managers and those involved in supervising volunteers are aware of the policy and understand their roles and responsibilities in relation to the policy
- have a process for making sure grievances are addressed in a fair and appropriate manner, which includes reviewing the outcome of the grievance to make sure appropriate decisions were made





### Example

Bill, a volunteer, makes a complaint that the workplace is unsafe.

Bill's complaint is that the stairs that lead into the donation shop are very steep and hard to see. He claims that patrons of the donation shop have had near accidents on many occasions.

The workplace supervisor receives the complaint and is immediately concerned for the safety of the volunteers, staff and customers. The workplace supervisor reviews the volunteer grievances policy and refers the complaint to the organisation's workplace health and safety officer. The workplace health safety officer organises a contractor to install a hand rail and to paint the stairs a brighter colour so that they are more easily identifiable.

Bill is informed in writing of the outcome of his complaint. Bill is satisfied with the response of the organisation and doesn't take any further action.

## Volunteer grievance policy

A volunteer grievance policy is a written document that sets out the process for making a complaint, how the complaint will be resolved and who is responsible for resolving it. The policy should be short and concise so it's easy to understand and follow.

### A volunteer grievance policy should include:

**Purpose.** A brief description (for example, the purpose of the policy is to provide a framework for the handling of grievances in a fair and timely manner).

**Scope.** A statement on who the policy applies to. For example, student placements or internships may have slightly different processes which involve the student's school or university.

**Purpose.** A brief description (for example, the purpose of the policy is to provide a framework for the handling of grievances in a fair and timely manner).

**Definitions.** What is meant by a 'work related grievance' (for example, any problem, or concern or complaint in relation to the volunteer's work environment, including changes to the volunteer's role, their safety, or the behaviour of others in the workplace).

**Roles and responsibilities.** The role of managers (and supervisors) to manage a grievance complaint as well as the expectations of the volunteer who made the complaint.

**How to raise a grievance.** The process the volunteer is to take (for example, raise the complaint with the volunteer's immediate supervisor in the first instance).

**Procedures.** This should include mechanisms to ensure the fair resolution of the complaint (for example, opportunities to be heard and use of supports).

**Outcomes of the grievance resolution process.** The volunteer should receive written advice of the outcome of their grievance.

**Further action.** Options to pursue the grievance through other appropriate internal or external processes.

**Documentation.** All documentation relating to the grievance should be placed on the volunteer's file (also refer to part 6 of this guide which deals with the keeping of volunteer records, including the requirements of confidentiality and privacy).



### Caution – when volunteers are also members

Some organisations will have volunteers who are also legal members of the organisation. If your organisation has any volunteers who are also members, it's important to make sure any member's grievances are dealt with under the correct process.

Depending on the subject matter of the grievance, this may be the volunteer grievance procedure or the grievance procedure in your organisation's rules or constitution. If your organisation is an incorporated association, you should check the grievance procedure requirements in your relevant incorporated association legislation.

For more information, see [our webpage on disputes with members](#).



# Ending the volunteer relationship

Your organisation may choose to end a volunteer relationship for many reasons.



## Note

It's important to manage the process of ending a volunteer relationship well. This will help your organisation avoid any potential legal consequences or reputational damage.

Ending a genuine volunteer relationship is different to ending an employment relationship by termination of an employee (which involves certain legal rights, obligations and processes). It's important that both your organisation and the volunteer understand these differences.

Your organisation should have processes for the ending of a volunteer relationship which include keeping volunteer records once the relationship has come to an end.

It's important your organisation is clear on the nature of the relationships with its workers (both paid and unpaid) as the rights and obligations differ. This is discussed in part 2 of this guide, which sets out how the 'unfair dismissal' or 'unlawful termination' provisions in the *Fair Work Act 2009 (Cth)* (**Fair Work Act**) don't apply to volunteers.

Under the Fair Work Act, employees have certain rights, for example, in relation to redundancy or the ability to bring a claim for 'unfair dismissal' or 'unlawful termination'. Because the provisions of the Fair Work Act regarding unfair dismissal don't apply to volunteers, a genuine volunteer can't bring a claim against your organisation for unfair dismissal.

Unlike an employee, your organisation has no legal rights against a volunteer who doesn't turn up, walks out or doesn't return to your organisation.

This is part of the nature of a true volunteer relationship. It's important that organisations that use volunteers and volunteers themselves understand that the protections that apply in an employer-employee relationship are not the same as in an organisation-volunteer relationship.



For more information on dismissing an employee (if it's appropriate, how to terminate lawfully and fairly) refer to [our webpage on employee termination and resignation](#).



## Tips

A good time to make it clear that the volunteer relationship is not an employment relationship is when you discuss your organisation's volunteer agreement with your volunteer.

It will be helpful to explain that this means:

- the protections that apply in an employer-employee relationship are not the same as in an organisation-volunteer relationship, and
- the volunteer or organisation may end the relationship at any time

When talking about ending the relationship you should avoid the terms 'dismiss', 'letting go' or 'fire' as these are more suitable for an employment relationship. 'End' or 'walk away' are better terms to use.



# Managing the process of ending the volunteer relationship

## Reasons for ending the volunteer relationship

There may be a number of reasons why a volunteer involving organisation chooses to end a relationship with one of its volunteers. These include:

- there's no longer a need for the volunteer's services
- the volunteer's performance
- the volunteer's conduct is not satisfactory (or has not improved following a review process) or there has been serious misconduct, or
- the volunteer's presence may be detrimental to the health and safety of others in the organisation

As outlined in part 4 of this guide (on safety), a volunteer involving organisation has a duty of care to provide a safe work environment and could be held legally responsible for the actions of its volunteers.

If keeping a volunteer in the organisation is a risk to the health and safety of others (including members of the public), ending the relationship may be necessary to make sure you are acting in accordance with the standard of care required by law.



### Caution

There is a tension between anti-discrimination laws and health and safety laws, so make sure you have considered anti-discrimination laws as well.

Discrimination law is discussed in part 5 of this guide. If in doubt, seek legal advice.



### Example

Your organisation has soup vans that travel around the Adelaide Hills area feeding homeless people.

You have a loyal volunteer that has been serving soup in the vans for the last 20 years. The volunteer is now in their eighties and recently there have been incidents where their increasing fragility and instability have resulted in soup spills, as well as a minor burn to their hand and to another volunteer.

You are concerned that continuing in the role poses a serious risk to their safety, other volunteers and the public that are being served. You discuss these concerns with the volunteer and explain that you have duty of care to take steps to minimise risks to health and safety.

There are other suitable roles (for example, calling suppliers and administration work) that you offer the volunteer. The volunteer doesn't accept this as they have their heart set on staying with the soup vans. You suggest that instead of serving, they hand out blankets, cutlery and napkins. They agree this is a sensible compromise and you are now comfortable that you are not placing them or anyone else at risk. However, you should ensure they understands that they are no longer authorised to serve soup under any circumstances.



## The process of ending the volunteer relationship

### When ending a volunteer relationship, think about your approach:

**Be aware of other relationships.** As outlined above, and in part 2 of this guide, if the person has been engaged by your organisation as a paid worker, your organisation will have different legal obligations including processes to be followed (and the person will have certain legal rights). Also be aware if the person is a member of your organisation as they will continue to have member rights (you should check your organisation's rules or constitution).

**Be careful about ending a volunteer arrangement if there has been a recent complaint made by the volunteer.** This could be construed as 'victimisation' against the complainant, even if your organisation decided to end the relationship for completely unrelated reasons. For more information about victimisation, refer to part 5 of this guide.

**Make sure the process is as fair and transparent as possible.** You don't need to give reasons why the relationship is ending, however, it is good practice to do so. Think about your organisation's reputation - the former volunteer may tell other volunteers in your organisation who could think you were being unfair and they may stop volunteering. They could also tell family and friends.

**Confirm the arrangement has come to an end in writing and keep a record of the documentation provided to the volunteer.**

**Maintain your organisation's obligations of confidentiality and privacy of the volunteer.**

**Make sure all property of the organisation is returned by the volunteer** (for example, documents and uniforms).

**Consider if security changes are needed** including to any buildings (access codes), IT systems and other electronic accounts (for example, Facebook login details and email passwords).



See [our fact sheets](#) on members' rights for members of a company limited by guarantee and of incorporated associations (for each jurisdiction) for information on suspending or terminating member rights.

Confirming the end of the arrangement in writing, not only provides finality for the volunteer and organisation, but may be relied on by your organisation to avoid any liability (legal responsibility) that might arise because of the volunteer's future actions. This may be relevant if you need to show they were not a volunteer at the time of their actions and not a representative of your organisation.



## Example

The Ocean Voice is an organisation that runs a program providing media and public speaking training for people who are interested in environmental activism. The organisation matches the volunteers with media and speaking opportunities to help raise awareness and change attitudes about environmental issues.

At a recent speaking event, a volunteer called Kylie became violent and harassed a camera person. There were some informal discussions between Kylie and the volunteer manager about ending her involvement in the program while she obtains some care in relation to issues in her personal life. However, Kylie continues to be approached directly by journalists and other organisations for media and public speaking opportunities. Kylie takes up these opportunities and continues to represent that she is a volunteer at Ocean Voice. At one event, she again has a violent episode and physically abuses an interviewer resulting in their hospitalisation. As a result, Ocean Voice's reputation is tarnished and the relationships it has built with the media suffers.

In this example, while the interviewer doesn't make a claim against the organisation, this is a potential outcome where a volunteer causes harm to someone while volunteering. As the ending of the volunteer relationship had not been formalised or documented, it would be difficult to show Kylie was no longer a volunteer, and that Ocean Voice was not therefore liable for her actions.

## Volunteer records at the end of the volunteer relationship

While organisations have limited legal obligations to keep specific records relating to volunteers, we recommend that a volunteer involving organisation keep records of its volunteers for at least seven years.

Part 6 of this guide sets out reasons for keeping records in more detail. These include the reason that legal action can generally be brought up to six years after an event to which the legal action relates (for example, a former volunteer alleges your organisation's negligence was the cause of the injury to the person while they were volunteering for your organisation). Some claims have even longer limitation periods. If your organisation is also bound by work health and safety laws, in most jurisdictions these laws generally require certain records be kept for five years.

Keeping volunteer records for seven years is also consistent with any obligations your volunteer involving organisation has under the Fair Work Act in relation to employee records. This obligation does not specifically extend to volunteer records, however, best practice dictates that the management of volunteers should not differ significantly from the management of employees, (including record keeping).



## National Standards for Volunteer Involvement

Volunteering Australia's [National Standards for Volunteer Involvement](#) sets out that evidence to meet **Standard 1: Volunteering is embedded in leadership, governance and culture** – the governing body and organisational leadership promote volunteering and implement effective systems to support volunteer participation, includes:

- 1.4 Volunteer records are maintained, and volunteers and employees understand their obligations on information sharing, record keeping and privacy.

# Summary – recruiting, inducting, managing and ending the volunteer relationship



## Recruiting volunteers

- Recruit your volunteers in a fair and non-discriminatory way.
- Use a volunteer role description for all volunteer positions in your organisation.
- In some instances, checks will be required by law. If your organisation and its workers are involved in child related work then generally a Working with Children Check will be required. Even when not required, your organisation ought to undertake some level of screening for volunteers.
- Organisations that have an anti-discrimination policy and procedures help protect their workers from discriminatory behaviour and help prevent damage that may arise from a complaint of discrimination.

## Inducting volunteers

- Volunteers should complete an induction process before starting any volunteer work. Use a Volunteer Induction Checklist.
- A Volunteer Agreement is also an important part of engaging volunteers.
- A genuine volunteer relationship requires there is no legally binding relationship between the organisation and the volunteer in relation to the work to be carried out. In some circumstances an organisation can impose legally binding obligations on a volunteer in relation to intellectual property and confidential information.

## Managing volunteer performance

- If not done correctly, performance management can be problematic.
- A well-structured performance management system provides a number of benefits both to the organisation and the volunteer.
- A management system should include a management plan and processes to be followed.

## Managing volunteer performance

- Volunteers have the right to express grievances with the volunteer program or your organisation.
- Your organisation should make sure volunteers' grievances are heard and dealt with in an appropriate manner.
- Have a volunteer grievance policy in place that outlines the process of making a complaint, how it will be resolved and who is responsible for resolving it.

## Ending the volunteer relationship

- Sometimes ending the relationship is necessary to make sure your organisation is acting in accordance with the standard of care to its workers that is required by law.
- There may be other reasons to end the relationship.
- Many volunteers don't understand how the relationship can end – it's important this is understood from the beginning of the relationship. Discuss this as part of the induction process.

