

Community service volunteer boards and committees

As a volunteer who is a member of a board or committee of management in the community services sector, you have health and safety responsibilities as part of the leadership team. You may also have concerns about your own health and safety as a volunteer. This fact sheet addresses both aspects.

This fact sheet provides information in relation to your health and safety obligations under the *Occupational Health and Safety Act 2004* (OHS Act) only. You should seek advice about other legal duties that may apply to your organisation.

Being a board member

You have a number of health and safety obligations as a board member¹. The nature of the obligations depends on the type of organisation you are involved with.

If your organisation has employees (ie it is an employer), it has health and safety duties towards those employees. These duties are set out in the OHS Act and the Occupational Health and Safety Regulations 2007 (the Regulations). Under the OHS Act, employers have obligations to make sure volunteers are not exposed to risks to their health and safety, so far as reasonably practicable.

Volunteer board members of companies and other bodies and associations are not liable for prosecution under the OHS Act for anything they do or fail to do as a volunteer. This acknowledges the important contribution of volunteer members of boards. However, the organisation, as a legal entity, may be liable if a volunteer or paid employee suffers a work-related injury or illness.

You also have an obligation to protect the health and safety of anyone, including service users, who enter premises that you occupy.

WorkSafe's *Occupational health and safety in boards* has more information about the role and responsibilities of board members who look after the health and safety of employees and others.

Board members should provide leadership on health and safety in the organisation and know their organisation's health and safety obligations. They should also make sure:

- everyone in the organisation knows their health and safety responsibilities
- health and safety implications are considered when decisions are made
- employees are consulted on all aspects of their health and safety
- the organisation's systems for improving health and safety are regularly monitored and reviewed.

If your organisation has volunteers only (ie no employees), it's good practice to make sure their health and safety is looked after the same way as employees. This will help you retain your volunteers and avoid the cost of recruiting and training new ones. It will also protect your organisation from risks to its reputation and legal action.

WorkSafe's *Volunteer health and safety in community service organisations – A handbook for workplaces* has more information about how to look after the health and safety of your volunteers.

¹ The term 'board member' includes board or committee members of a governing body or management committee.

Case study: Northern Kids Pty Ltd

This case study uses a fictitious community based organisation, Northern Kids Pty Ltd, to demonstrate how volunteer board members may exercise their health and safety responsibilities.

About the organisation

Northern Kids Pty Ltd operates six kindergarten centres in the northern suburbs of Melbourne. Each kindergarten is leased from the local council. Northern Kids have management and control of each kindergarten.

Northern Kids Pty Ltd is managed by a chief executive officer (CEO), who reports to a board of management comprising volunteers with many years of experience in the pre-school sector. The board sets the company's overall strategic direction, holds the CEO accountable for the management of the company and makes key financial decisions. The board also sets policies and procedures that determine how all their kindergartens are operated.

Northern Kids Pty Ltd employs managers to run each of its kindergartens. Each kindergarten also has its own local management committee, recruited from the parents of children currently attending the centre. The management committees liaise between parents at their local centre and Northern Kids Pty Ltd and make recommendations to the organisation about issues such as enrolment, staffing and facilities.

OHS issue at Broadmeadows kindergarten

Recently, staff at Northern Kids Pty Ltd kindergarten in Broadmeadows have become concerned that asbestos-containing material in the centre's kitchen may pose a risk to employees, volunteers and children that attend the centre. They share this concern with the Broadmeadows centre manager and management committee. The centre manager reports the issue to the CEO of Northern Kids Pty Ltd and board of management.

Duties and responsibilities

Northern Kids Pty Ltd

- Must provide a healthy and safe workplace for employees at all workplaces under its control.
- Must not expose volunteers to risks to their health or safety.

The **Board** sets organisational strategy and monitors implementation.

The **CEO** develops, implements and reviews the OHS system and reports on its effectiveness to the Board.

Local council

- Must ensure that the leased Broadmeadows workplace is safe and without risks to health.

Broadmeadows kindergarten

- Must provide a healthy and safe workplace for employees.
- Must not expose volunteers to risks to health or safety.

The **centre manager** implements, monitors and reviews the organisation's OHS system at the Broadmeadows centre and reports on its effectiveness to the CEO.

The **local management committee** monitors and reviews the Broadmeadows centre's compliance with Northern Kids Pty Ltd OHS system.

Figure 1: Overview of legal duties and responsibilities at Northern Kids Pty Ltd Broadmeadows kindergarten.

Managing the OHS issue

There are a number of key players within the organisation that need to take responsibility for OHS. These include:

Northern Kids Pty Ltd – Volunteer board of management

As soon as the Northern Kids Pty Ltd board of management became aware of the issues raised at the Broadmeadows kindergarten, they asked the CEO to brief them about the assessment that had been made in relation to any risks arising from asbestos. They also made it a requirement that the CEO ensure all steps were taken to control the risks in accordance with the *Occupational Health and Safety Act 2004* and Occupational Health and Safety Regulations 2007 (the Regulations).

The board of management requested the CEO provide an update on the progress of the issue at each board meeting. It also directed the CEO to ensure staff at the Broadmeadows kindergarten were consulted about the proposed risk control actions.

As a group of volunteers, the board of management also felt they needed to take action to ensure members did not suffer stress and burn-out through their voluntary role.

Depending on its charter, volunteer boards of management members may:

- develop knowledge about the organisation's health and safety obligations
- clarify the CEO's OHS accountabilities and review their performance against these on a regular basis
- hold the CEO accountable for establishing OHS systems within the organisation so that it complies with its legal duties (including the duty to consult with employees about OHS)
- hold the CEO accountable for ensuring that OHS systems are monitored and reviewed regularly
- hold the CEO accountable for holding owners of the leased premises accountable for their OHS responsibilities
- take health and safety implications into account when making decisions.

The members of the board of management are not personally liable for prosecution for anything they do or fail to do in relation to OHS. However, Northern Kids Pty Ltd may be liable if an employee or volunteer working in one of its centres suffers a work-related injury or illness.

Northern Kids Pty Ltd – CEO and the legal entity

As Northern Kids Pty Ltd is an 'employer' under the OHS Act, it has a duty to ensure its employees, volunteers and other persons at the workplace are not exposed to health and safety risks through their work, so far as is reasonably practicable.

The company also has duties under the asbestos part of the Regulations. Northern Kids Pty Ltd (through the CEO) conducted an asbestos audit and developed an asbestos register for each kindergarten. The CEO introduced interim risk controls at the Broadmeadows kindergarten until the asbestos could be removed, after consulting with the staff and volunteers.

The CEO also liaised with the local council that leases the Broadmeadows kindergarten to Northern Kids Pty Ltd to ensure they undertook their own assessment of the risk of the asbestos and implemented appropriate risk controls.

The CEO should:

- have a thorough knowledge of the organisation's health and safety obligations
- report regularly to the board about the organisation's health and safety performance
- establish OHS systems that help the organisation comply with its legal duties (including the duty to consult with employees about OHS)
- regularly monitor and review the organisation's OHS system and performance
- liaise with owners of leased premises to ensure they meet their legal obligation that their premises do not pose any risk to employees and volunteers
- take health and safety implications into account when making recommendations to the board of management.

Northern Kids Pty Ltd (the entity) should:

- explain to volunteers their role and any relevant boundaries and provide written information that clearly sets these out
- include health and safety in volunteer induction programs and any training required to carry out the volunteer work
- explain any health and safety risks that may be relevant to the volunteer work and let volunteers know who to report health and safety concerns to
- provide volunteer facilities without health and safety risks, so far as is reasonably practicable.

Broadmeadows kindergarten – Volunteer local management committee

The Broadmeadow's kindergarten is not a legal entity separate from Northern Kids Pty Ltd and has no separate duties under the OHS Act.

The local management committee, as soon as they became aware of the risk, ensured the Broadmeadows centre manager reported the asbestos concern to Northern Kids Pty Ltd management. They also made sure the actions required by Northern Kids Pty Ltd management to control the risk were implemented by the centre manager (including following up by asking the centre manager to report to their management committee meetings on actions taken).

The local management committee resolved that if they had any concerns about the effectiveness of Northern Kids Pty Ltd efforts to address the risk, they would report them immediately to the CEO and Northern Kids Pty Ltd board of management.

Volunteer members of the local management committee should:

- familiarise themselves with the organisation's health and safety responsibilities to staff and volunteers
- monitor and review the Broadmeadows centre's compliance with OHS systems and procedures and recommend improvements
- take health and safety implications into account when making decisions and recommendations.

The members of the Broadmeadows local management committee are not personally liable for prosecution for anything they do or fail to do in relation to OHS. However, Northern Kids Pty Ltd may be liable if an employee or volunteer working in one of the centres suffers a work-related injury or illness.

Broadmeadows kindergarten – Centre manager

The centre manager, upon becoming aware of the risk of asbestos, raised it with the local management committee as well as with the CEO of Northern Kids Pty Ltd.

The centre manager should:

- have a thorough knowledge of the organisation's health and safety obligations
- ensure their organisation complies with the organisation's OHS system and procedures and recommend improvements
- take health and safety implications into account when making decisions and recommendations to the centre's management committee or the company.

Under the Occupational Health and Safety Regulations 2007, people who manage and control workplaces have a duty to conduct an asbestos audit and maintain an asbestos register. As there was no asbestos audit or register in place, Northern Kids are in breach of the Regulations and could be liable for prosecution.

Being a volunteer

Naturally, you will be concerned about your own health and safety as a volunteer as members of voluntary boards often suffer stress and burn-out. This can be prevented or the risk reduced by:

- induction and training about the board's responsibilities and powers, conflict resolution and finance management
- support from members and stakeholders in the organisation.

It is important for the board to take the health and safety of its volunteer members seriously. Some initiatives to avoid the risk of stress and burn-out among members include:

- gathering resources from similar organisations about the role of the board and setting aside time in a board meeting to discuss the materials. Health and safety guidance published by WorkSafe should also be discussed
- organising for your board members to attend formal training on its role and responsibilities or individual aspects of its role and responsibilities, such as health and safety obligations
- arranging for an experienced board member (from another community organisation or the commercial sector) to address your board on its role and responsibilities. Members of your organisation with experience in areas such as health and safety, conflict resolution and finance management may also be willing to pass on their knowledge and skills
- holding a board retreat with key stakeholders, employees and volunteers to talk about where the organisation is heading and what support the board needs to lead it
- setting up systems for inducting new board members into their role (including outlining their responsibilities) and for providing them with the ongoing support they need.

More information

The following publications are available from worksafe.vic.gov.au

Volunteer health and safety in community service organisations – A handbook for workplaces

What you need to know about health and safety: For volunteers in community services

Occupational health and safety in boards

Working safely in community services

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