

Voluntary Workers

Their rights and your responsibilities as an employer

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A volunteer is anyone who carries out unpaid work for a charity, fundraising body or voluntary organisation. If you hire volunteers to work for your organisation, there are certain things you need to be aware of. If you happen to be a volunteer, it pays to know your rights, too. We've outlined some of the legalities to help you both stay on the right side of the law.

Do voluntary workers have a contract?

Although voluntary workers don't have a contract of employment, most voluntary organisations provide volunteers with a 'Volunteer Agreement' which is similar to a job description. Organisations will want to avoid creating legally binding relations with volunteers that could give them worker or employee status. As such, volunteer agreements are generally short and informal in style; often phrased in terms of hopes and expectations rather than obligations. It should set out details of the organisation's insurance cover and any health and safety issues.

It should also outline any training you will receive as a volunteer, and any expenses that will be covered, as well as the level of support and supervision volunteers can expect to receive in their role, and how any disputes will be resolved. A volunteer agreement is not compulsory however.

What expenses can volunteers be paid?

Volunteers are excluded from the [National Minimum Wage](#) requirements, but they can still be paid expenses such as the cost of travel, meals at work, etc. They may also be offered training, but it's important to note that offering paid training that is not relevant to their volunteering role could mean they are classed as a worker or employee. Offering other expenses, for

example subsidised or free childcare at times when they are not volunteering could also mean they will be classed as an employee or worker, rather than as a volunteer.

Expenses should normally be supported by receipts or a reasonable estimate. If volunteers receive any other payment, benefit or reward, they may be classed as a worker or employee and entitled to the national minimum wage. This could also apply if the organisation has promised them paid work in future. Volunteers are still eligible to claim benefits in most cases if they are only being paid expenses such as travel expenses.

What age should you be to volunteer?

There is no upper age limit in place to be a volunteer, but children under the age of 14 cannot work on a paid or voluntary basis for a profit-making organisation without special dispensation. In some cases, insurance companies may have age limits in place which may mean voluntary workers under the age of 16 or over the age of 80 are not covered.

What are your responsibilities as an employer?

There are certain legal responsibilities that you should be aware of if you are a charity or voluntary organisation employing volunteers. Firstly, you have an obligation not to discriminate when determining who to offer paid employment to. This means that you should not take into account volunteer performance when deciding whether or not to offer a voluntary worker a paid job.

Volunteer workers are covered by government health and safety legislation and you have a responsibility to resolve any health and safety issues. Employers must also protect personal data and ensure that consideration has been given to both the personal data of the volunteer and

what access (and why) the volunteer may have to personal data held by the organisation generally.

Insurance cover

All organisations employing volunteers must have professional indemnity cover in place. This will cover you if a volunteer becomes injured and makes a claim or if a claim is brought against you because of the actions of a voluntary worker. You should have a specific procedure in place to deal with volunteer grievances or disciplinary issues that may arise.

Bear in mind, too, that even if you only use volunteer workers, you will still need to have compulsory Employer's Liability Cover by law.

Finally, if your volunteers work with children or vulnerable adults, you may also need to carry out a CRB check to ensure that they are fit to do so.

If you are having issues regarding your legal responsibilities relating to volunteer workers, or if you are a volunteer looking for more information about your rights, talk to our employment law specialist, [Karen Cole](#).

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

