



Volunteering

Principles

A volunteer is someone who does work for the main purpose of benefitting others. They may volunteer for an organisation such as a charity, church, sports club or community group.

Volunteers are not employees and do not have to be paid. However various factors could determine whether a person is a genuine volunteer or whether, in fact, they should be counted as an employee.

Key characteristics of a genuine volunteering arrangement include:

- a) the volunteer is under no obligation to come to the workplace or to work
- b) they don't expect to be paid for their work
- c) neither party intends to create a legally binding employment relationship

The more formalised a volunteer's work arrangements are, such as being expected to work to a regular schedule, the greater the possibility that they should actually be considered an employee.

Examples

Scenario 1

Frank approaches a soup kitchen run by a local charity to ask about volunteering.

The volunteer coordinator explains that they need someone to help in the kitchen, serving and cleaning. She confirms that he will not be paid but that he would only need to come in when he's available. Frank agrees to volunteer once a week, when he can, and confirms that he understands he won't be paid.

Frank is not an employee and the charity doesn't have to pay him for his time.



Scenario 2

Shona is a retired teacher. She approaches a local school to volunteer as a lollipop lady and agrees to a thirty-minute shift each day, either in the morning or the afternoon.

When the school receptionist leaves at short notice, the head asks Shona to take over her morning responsibilities temporarily, from 8am to 12pm, until they can find a replacement.

Shona agrees. However, three months later, she still is fulfilling the role of morning receptionist, unpaid.

As they are avoiding paying for a receptionist, the school is receiving material benefit out of this relationship.

As Shona is working every day to a set timetable, she could claim that she has entered into an employment relationship with the school and should be paid for her work as a receptionist.