

Volunteering and the Law

The legal status of volunteers is an interesting and complex area. People new to volunteering are often shocked to discover that volunteers are not covered by the same protections as paid staff. This means that, in theory, volunteers can be discriminated against or unfairly dismissed with impunity. However, in some cases 'volunteers' have claimed their status is that of worker or employee. The central issue here is whether or not there is a contract between the organisation and its volunteers; and if so, what the consequences of this are. Organisations involving volunteers should make it their duty to keep abreast of good practice. Many local and national bodies offer training on volunteering issues, and some organisations produce publications, information sheets and other guidance on working with volunteers.

Summary of the Main Issues for Volunteers and the Law:

- A contract of employment can exist without a written document. For a contract of employment to exist there needs to be 'consideration' (the individual and the organisation exchange something of material value) and 'intention' (the individual and the organisation intend to enter into a legally binding contract).
- While your organisation might be concerned about entering into a contract situation with volunteers it is still important that organisations manage volunteers well. There are some practical ways to minimise the risk of a contract situation.
- Volunteers are not protected by anti-discrimination laws, such as the Disability Discrimination Act, in the way that a paid employee is.
- The 'services' and 'facilities' of Volunteer Centres come within the statutory provisions that prohibit discrimination when providing goods, facilities and services to the public.
- Therefore, it is essential for Volunteer Centres to ensure that they do not discriminate on the grounds of religion or political opinion, sex, disability, race or sexual Orientation.
- Volunteer-involving organisations by law must abide by Data Protection Law. This includes the paper and computer based information they hold about volunteers.

Below are links to NCVO and GOV.UK, two bodies that contain the most up-to-date information regarding Volunteering and the Law:

https://knowhow.ncvo.org.uk/tools-resources/volunteers-and-the-law?gclid=Cj0KCQiApL2QBhC8ARIsAGMm-KFPeIBzdrijLp1ye5FziP8S_CzPV8rtfY3cpLb3aJGQQShgVXSITg8aAvy1EALw_wcB

<https://www.gov.uk/volunteering/volunteers-rights>

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Appendix 1:

<https://www.volunteerfirst.co.uk/wp-content/uploads/2018/04/Volunteers-and-the-law.pdf>

Appendix 2:

<https://www.volunteernow.co.uk/app/uploads/2020/11/Volunteers-The-Law-Information-Sheet-2020.pdf>

