

Volunteering and Voluntary Work

Definitions:

Volunteer: A volunteer is someone who undertakes an activity that involves spending time, unpaid, doing something that aims to benefit the environment, individuals or groups other than (or in addition to) close relatives. They are not in a contractual position (written or implied) with the organisation. Volunteers should be reimbursed for any expenses they incur in volunteering, for example travel and lunch expenses.

Voluntary worker: Full-time volunteers may fit into this category, or those volunteers deemed to operate under a contract (written or implied), for example a full-time residential volunteer working on a social care project.

They may consider themselves 'volunteers' but are in fact workers due to the arrangements under which they work. Voluntary workers are defined in the 1998 National Minimum Wage Act (NMWA) as a type of unpaid worker that can only be employed by charities, voluntary organisations, associated fundraising bodies and statutory bodies.

Section 44 of the Act explains that these workers are not entitled to the national minimum wage if certain conditions are met:

- (a) that they receive no monetary payments of any description, or no monetary payments except in respect of expenses—
 - (i) actually incurred in the performance of his duties; or
 - (ii) reasonably estimated as likely to be or to have been so incurred;

And

- (b) that they receive no benefits in kind of any description, or no benefits in kind other than the provision of some or all of his subsistence or of such accommodation as is reasonable in the circumstances of the employment.

Unpaid voluntary workers are allowed to receive certain expenses that are incurred in the course of their duties. Provision of accommodation is allowed under the Act, and an extra subsistence payment can be given, if the voluntary worker is employed as a result of an arrangement between two separate bodies.

From Volunteering England Information Sheet 2011

How to spot a “voluntary work” opportunity

It is not always easy to identify if an opportunity is classed as “volunteering” or “voluntary work”. If you are really unsure, you can Phil or myself to have a look over it. However, where possible you can do it yourself by answering the following questions:

- Is there a written or implied contract present?
- Do they receive provisions such as accommodation costs or anything beyond travel reimbursements?
- Are there extensive interview and application processes in place?
- Does the role have a strict requirement of hours?
- Is there a minimum commitment involved?
- Does the role look like a job?

If the answer to any of these is yes it is likely to be a “voluntary work” role.

Things to be wary of

If a role is offering:

- Any sort of payment, including training given in exchange for volunteering.
- A stipend or honorarium
- Paid leave
- A promise of employment in exchange for volunteering
- A role which is replacing a paid position

It is likely to be a position which should be paid, taking the form of a voluntary role. These should be avoided at all costs. Unless they were paid.