



Consolidation of Commonwealth Anti-Discrimination Laws: Discussion Paper Volunteering Victoria Submission

About Volunteering Victoria

Volunteering Victoria is the state peak body for volunteering, focussing on advocacy, sector development and promotion of volunteering. Our vision is for Victorian communities connected and involved through volunteering.

About this submission

This submission is responding to Questions 13 and 19 of the discussion paper. We would like to acknowledge and thank the Volunteering Victoria members who contributed to the development of this submission. Finally, Volunteering Victoria strongly supports the PILCH submission responses to Questions 13 and 19.

Submission

Question 13 How should the consolidation bill protect voluntary workers from discrimination and harassment?

As part of Volunteering Victoria's Volunteer Information Service (VIS) we provide support and advice to volunteers, potential volunteers and volunteer involving organisations (VIOs) on volunteering related matters. We also engage with the volunteering community regularly in a range of ways including via our website, email newsletters, training sessions, member professional development sessions and regular attendance at a range of networks of volunteer program managers. In this way Volunteering Victoria has a current sense of the perspectives of Victoria's volunteering community.

As part of VIS we regularly have contact with volunteers who want to know 'what rights they have?' When unpacked, their particular situation often involves them considering that they have been discriminated against in some way.

Generally speaking we receive less calls or emails from VIOs regarding discrimination than we do from volunteers. However, as part of the lead up to the implementation of the new

Equal Opportunity Act 2010 in Victoria last year, Volunteering Victoria engaged in an information campaign with the volunteering community to prepare them for the changes around sexual harassment and remind them of their continuing obligations under the Act. At this time many VIOs informally shared their views regarding discrimination and 'volunteer rights' with Volunteering Victoria.

VIOs are generally supportive of volunteers having protection against discrimination and harassment.

When distilled VIO concerns are largely twofold. Firstly, VIOs are concerned about the impact (cost, administrative burden, staff time) of meeting their obligations on their ability to run their volunteer programs and make day to day operational decisions. Secondly, they are concerned about their exposure where they cannot meet their obligations in certain circumstances such as when they can't engage volunteers of a certain age as they can't get volunteer insurance for those volunteers due to restrictions imposed by insurers.

Volunteering Victoria also sought input from the volunteering community as part of the development of this submission. We only received responses from VIOs. Their comments were generally consistent with the perspectives described above.

This quote from a VIO respondent neatly sums up the first concern.

Laws should be there to protect volunteers from discrimination, but should not burden organisations in ways that decrease their capacity to get things done.

Finally, in relation to engaging volunteers Volunteering Victoria ask that design of any protections be cognisant of the fact that volunteer managers often manage many more volunteers than do managers of employees, and as such have developed recruitment, management and training policies and practices that reflect this. Furthermore, volunteer roles sit along a spectrum from very general, sometimes one off volunteering opportunities that anyone in the community could fill, where the emphasis is on getting the appropriate number of volunteers, to volunteer roles that are much more like paid employment roles in their features (a regular commitment, particular skills required that are articulated in a position description etc) .

Recommendation:

1. That volunteers be protected from discrimination and harassment.
2. That this protection be designed in such a way that is cognisant of the limited capacity of many VIOs and minimises the impact on their ability to fulfil their organisation's mission.
3. That exemptions should be developed for circumstances such as those where the VIO cannot get volunteer insurance for volunteers under and over a certain age.

Question 19 Can the vicarious liability provisions be clarified in the consolidation bill?

Volunteering Victoria strongly supports the PILCH submission's contribution in relation to this question and volunteers and VIOs.

Thank you for the opportunity to make a submission on this matter.

Please contact either Ms Katherine Koesasi, Senior Manager – Peak Services, Volunteering Victoria [on phone number removed] or me if you require any clarification regarding this submission.

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