

Are students and volunteers workers?

Occupational health and safety (OHS) information for employers and nonprofit agencies

KEY INFORMATION

- **Volunteers who perform or supply services for no monetary compensation for an organization or employer are considered workers.**
- **A student is considered to be a worker when that student is engaged in learning activities for which they are paid, or are engaged in a work program where the student is placed with an employer/organization other than the educational institution.**

Volunteers and students are covered by the *OHS Act*

The *OHS Act* protects all workers, whether they are paid or not. Volunteers have always been considered under the definition of “worker” by OHS legislation. Changes were made to the legislation to clarify that volunteers and students are considered workers (with an exemption that applies to some groups, such as farm and ranch volunteers).

Volunteers and students that perform or supply services for no monetary compensation for an organization or employer or during learning activities have all the rights and obligations of

workers as described in Alberta’s *OHS Act*, Regulations and Code.

It also means that organizations for which volunteers perform work are employers. Employers of volunteers are subject to all the employer obligations in the *OHS Act*, Regulations and Code.

Conditions that establish a volunteer-employer relationship

Three conditions must be met to establish a volunteer-employer relationship:

1. the organization requests the volunteer’s participation to perform work for the organization;
2. the organization accepts volunteers to do the work (informally or formally); and
3. the volunteer performs or takes part in the work – for example, teaching students or staff, collecting roadside waste, helping build a house for the organization, etc.

Where there is a volunteer-employer relationship, the organization is responsible to fulfill all employer responsibilities under the OHS legislation. This includes doing what is reasonably practicable to ensure the health, safety and welfare of its volunteers while they are volunteering with the organization.

Links to bulletins outlining the rights and responsibilities of workers and employers are provided under “For more information.”

When does OHS not apply for volunteers and students?

Determining if a volunteer or student is a worker needs to be assessed individually. In order for Alberta's OHS legislation to apply, a worker needs to have an employer. The employer in this case is the organization on whose behalf the volunteer provides some type of voluntary service.

OHS legislation does not apply in situations where a person or group of persons, on their own initiative, agree to voluntarily provide a service to an organization without the organization's oversight or knowledge, and the organization has not requested the service or organized the volunteer(s). An example could include a group of individuals getting together to do independent fund raising.

Please note that if volunteers attend at a site to perform work and the organization is aware and accepts the volunteers to perform the work, then the volunteers are workers.

A student is not a worker when involved in learning activities conducted by or within an educational institution for which the student receives no paid compensation – they are simply a student. Learning activities can include classroom study, wood-working class at a grade school, automotive repair course at a technical school, chemistry laboratory course at a university, etc.

When a student is a worker?

A student is considered a worker when that student provides services to an employer as shown in the following examples.

- A student involved in a work program conducted by an organization other than the educational institution. This can be a work placement at a social assistance agency, working at a chemical plant or the work term of an apprenticeship program.
- A student is performing work on behalf of an educational institution or an instructor and is paid compensation. Examples can include a student receiving monetary compensation for teaching a lab or tutorial, or conducting research for a university, professor, or instructor. The institution, professor or instructor is considered to be the employer and the student is their worker.

In these examples the student is considered to be a worker, and the employer is responsible for their health and safety. The requirements of the OHS Act, Regulations and Code apply to both the worker and employer.

Contact Us

OHS Contact Centre

Throughout Alberta

- 1-866-415-8690

Edmonton & surrounding area

- 780-415-8690

Deaf or hearing impaired:

- 1-800-232-7215 (Alberta)
- 780-427-9999 (Edmonton)

PSI Online Reporting Service

alberta.ca/report-potentially-serious-incidents.aspx

Website

alberta.ca/occupational-health-safety.aspx

FOR MORE INFORMATION

Worker's guide to occupational health and safety (LI008)

ohs-pubstore.labour.alberta.ca/li008

Employer's guide to occupational health and safety (LI009)

ohs-pubstore.labour.alberta.ca/li009

Occupational health and safety on farms and ranches (LI048)

<https://ohs-pubstore.labour.alberta.ca/li048>

Get Copies of *OHS Act*, Regulation and Code

Alberta Queen's Printer

qp.gov.ab.ca

Occupational Health and Safety

alberta.ca/ohs-act-regulation-code.aspx

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