

Recruitment and the Human Rights Act

The Human Rights Act uses an expanded definition of 'employment' that includes volunteers. This means that organisations that involve volunteers must make sure that their selection of volunteers is based on areas such as skills, experience and qualifications, rather than issue such as race, gender or disability

Key Legal Points

- Volunteers are treated as "employees" for the purposes of the Human Rights Act definition of employment, so discrimination rules cover recruitment, including advertising, interviews and selection of volunteers.
- You must also comply with the Privacy Act 2020 when collecting information (including in reference checks), which means collecting only what is necessary and with consent.

The Human Rights Act

The Human Rights Act protects people from discrimination based on:

- Sex
- Marital status
- Religious belief
- Ethical belief
- Colour, race, and ethnic or national origins
- Disability
- Age – once you are 16 years or over
- Political opinion
- Employment status
- Family status
- Sexual orientation

These apply to present, past, or assumed circumstances.

Exceptions

There are some exceptions to the protected characteristics. These are some examples of the exceptions

- Age – where age is a genuine occupational qualification for safety or another reason
- Disability – where the volunteer requires special services or facilities and it not reasonable to provide them.
- Gender – when a role needs to be held by one sex to preserve reasonable standards of privacy.

Recruiting Volunteers

At all stages of recruitment, organisations must not ask for, require, or imply preference for volunteers based on protected personal characteristics (such as age, gender, ethnicity, disability, religion, or marital/family status).

If you believe you need to specify a particular age, gender, or other characteristic, you must first check that you have legitimate grounds for an "exception."

You can get guidance from the Human Rights Commission Information and Support Line:

- Phone: 0800 496 877
- Email: infoline@hrc.co.nz



Volunteering Waikato upholds the rules & principals of the Human Rights Act. We will not list any voluntary roles that breach the Act.

For further information regarding Human Rights visit:

www.tikatangata.org.nz

You can see the full Act [here](#)

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Questions you can ask

Skills, Experience & qualifications	"Do you have past experience doing a similar role?"
Availability	"What days and times are you available?", "Will you be able to committ for a 6 month period?"
Ability to carry out key tasks	"This role involves lifting boxes up to 10 kg and being on your feet for 3 hours; are you able to do this with or without adjustments?"
Motivation for volunteering	"What interests you in volunteering with us?"
For safety-sensitive roles	Questions about honesty, reliability, past responsibilities, and whether they are willing to undergo police vetting or other appropriate checks,

Questions you can't ask

Age	"How old are you?" or "When did you graduate school?"
Sex or Gender	"Are you male or female?" or questions about gender identity.
Marital or Family status	"Are you married?" "Do you have children?", "Are you planning to have children?"
Pregnancy	"Are you pregnant?" "When are you due?"
Ethnicity, race or nationality	"Where are you from originally?" "What's your ethnic background?"
Religion or belief	"Do you go to church?" "What religion do you practice?"
Disability or Health	"Do you have any disabilities?" or "Have you ever had a serious illness?" You can ask if the person can perform the role's essential functions, with reasonable accommodations if needed.
Political & Personal Beliefs	"Which political party do you support?"
Criminal History	You can't ask about criminal convictions unless the role requires a police check. Even then you can only ask if relevant to the role.