



19 November 2008

For the attention of all Member Societies of Musical Theatre New Zealand

In response to an enquiry from a member society, the Executive of MTNZ have investigated the issue of dismissal of a volunteer.

In consultation with an employment lawyer and other industry professional, the MTNZ Executive would like to recommend the following to our member societies:

From an employment law point of view, volunteers are not employees, and therefore there is no recourse from the volunteer against the organization under the personal grievance process, mediation or compensation.

The only obligation towards volunteers is on the grounds of Health and Safety; where the wise thing to do is treat them as if they were employees.

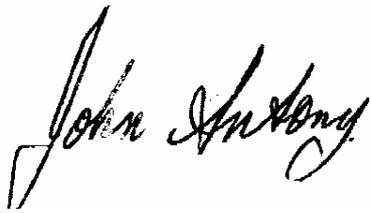
Recommendations as follows:

1. Investigate the facts in an objective way
2. Call the volunteer for a meeting
3. Inform the volunteer that their behaviour/action (being specific) is causing concern or is unacceptable
4. Give the volunteer a genuine opportunity to explain, and to improve
5. Either give the volunteer a warning that, if the behaviour/action is repeated, they will no longer be a volunteer
6. If the behaviour/action is very serious, inform the volunteer that he/she is no longer a volunteer, effective immediately

If a volunteer refused to accept that they have been “dismissed”, and kept turning up and making a nuisance of themselves, then it becomes a civil matter, and, in extreme situations, they may be served with a trespass order.

My thanks to Ian Reid, Vice President; Markham Lee - MTNZ Honorary Solicitor, the Napier City Council Employment Team and Rob Peters - ETNZ President for their advice and work on this matter.

If you require any clarification on any of the points or wish to discuss any issues in the recommendations, please feel free to contact me on 021-774-400 or jantony@xtra.co.nz

A handwritten signature in black ink that reads "John Antony". The signature is written in a cursive, flowing style.

John Antony
President - Musical Theatre New Zealand