

WWOOFers, Hosts and MBIE Guide and Discussion Document

September 2018

This guide and discussion document is being developed following a meeting between WWOOF NZ and the Ministry of Business, Innovation and Enterprise MBIE on the 10th September 2018. It is to share with hosts and WWOOFers, it is intended as an informational resource and is not intended as legal advice. The aim is to explain how the law sees visitors, volunteering, internships and employment. It also aims to encourage feedback about how WWOOF can best fit within these laws while maintaining its core values.

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INTRODUCTION

WWOOF NZ's mission is to promote organic education, sustainable living and enable a cultural exchange. This goal is achieved by linking people curious to learn about these practices with organic host farms up and down New Zealand. Hosts aim to develop enthusiasm in learners by sharing their daily experiences on the farm - a simple way of passing on knowledge that has happened naturally throughout history.



WWOOFers join as members because they get a sense of belonging and satisfaction with gaining new skills and experiences. Hosts open their doors as a way of making connections and to pass on valuable farming and ecological

living techniques. Usually WWOOFers stay with you as a guest - much the same as any other visitor, friend or indeed family member may do.

The interest in learning about organic farming often develops further as the WWOOFer spends time participating in the farm activities. While WWOOFers may contribute to what happens on the farm, this is an indirect result of the learning experiences and skill development.



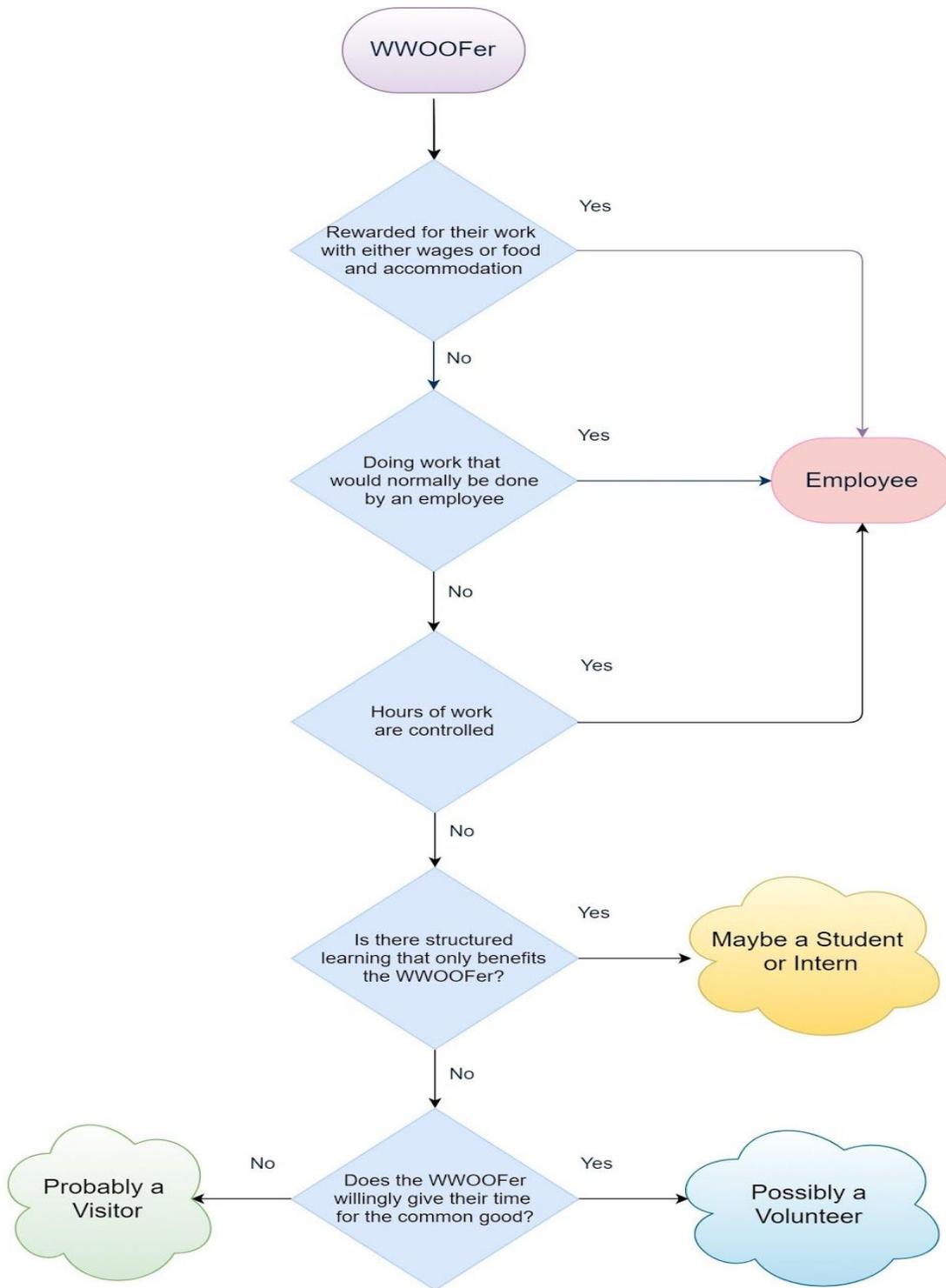
There is often time to do other activities on or off the farm and this may include cooking a traditional meal, exploring the neighbourhood or getting involved in the local community. There are also the usual chores to do such as washing dishes as any visitor staying with someone might do.

This concept is much the same as the very first WWOOFing that happened in New Zealand back in the early 1970's on Dick Roberts permaculture farm just north of Nelson, even so, there is no clear official classification for WWOOFers - it's a little unique, fitting in to its own niche.

In recent years New Zealand's Labour Inspectorate has brought a focus on businesses who use "volunteers" to do work that would normally be done by an employee. There have been some cases of exploitation but this has not involved WWOOF hosts. Our advice to hosts is that if you are needing an employee for your business then it is often a lot more efficient to employ someone who is trained and is consistent.

This government focus has however raised some concern for WWOOF hosts. There has been some confusion about where hosts fit within the existing government classifications. This guide hopes to make this clearer and help them decide where they fit best and how they can comply with their legal requirements.

WWOOFER CLASSIFICATION FLOW CHART



The [Classification Flow Chart](#) may give different outcomes for each host as each situation is unique - there is no one formula that fits every situation. We suggest hosts find the best fit for your farm, depending on your activities and philosophy.

In July 2018 the minister for MBIE Lain Less-Galloway said, “Under current settings WWOOFers can be considered legitimate volunteers or they can be considered employees. In considering whether particular workers are employees, as opposed to volunteers, courts have considered a range of factors, including; whether the individual expects – and receives – reward for their work (and this includes accommodation); whether there is an economic gain for the business; whether it is work an employee would normally perform; how much control the employer has over the work being performed (such as hours of work).”

The reality is that WWOOF is unique and doesn't fit perfectly within New Zealand's existing classification but our preference is for it to be most closely aligned with the volunteer or internship models.

There are however WWOOF hosts who have an economic aspect to their farm which can offer important experiences and learning opportunities. Having a WWOOFer experience this aspect of the farm brings all the benefits of WWOOF but it is likely they will be seen as an employee.

“But my WWOOFer and I have agreed that I am not employing them!”

Even if you sign an agreement to say they are a volunteer, the law may still decide that your WWOOFer is an employee. A good way to tell is if an average person would feel the activity the WWOOFer is doing is usually done by an employee.

While this situation may seem a little controlling, the reason is to protect people from being exploited. In New Zealand everyone must receive a fair reward if they are actually doing work.

FEEDBACK

Which classification from the flow chart do you feel WWOOF is best aligning itself with?

Alternatively, maybe you can define a new classification specific to WWOOF?

feedback@woof.nz

THE CLASSIFICATIONS

This section talks about non-employee classifications. If someone WWOOFing on your farm doesn't fit into one of the following classifications then they will likely be seen as an employee and you will need to comply with all legal obligations as an employer.

VISITORS

If you are hosting WWOOFers on your farm for the cultural and educational experience, this could be an option for you. With this option, you welcome guests as visitors to your home and to share your lifestyle. WWOOFers participate in activities at your lifestyle property, farm, self-sufficiency unit because they are curious to discover more about organic farming and this style of living. However, as guests, they would not be required to do anything under your instruction. Think of this as the same as inviting friends to stay with you for an extended visit. Both parties are equal and autonomous, and there should be no expectation of quid pro quo, or an exchange of work for board. These should be given freely as part of a cultural and educational program on a farm where it's often not practical to travel away for meals and accommodation.

For WWOOFers to be considered visitors, hosts should remove any required amount of time or schedule for work, and instead openly invite them to share your home, culture, farm activities, and lifestyle. The only condition for a WWOOFer would be that they are genuinely interested in discovering the life and work of the host. This model is similar to how WWOOF has typically been described, with the key distinction that this relationship is strictly personal, not business-related. Depending on the farm, this type of arrangement may work well for some hosts, while others may wish for a more structured arrangement.

INTERNSHIPS

This is more structured learning, often with defined learning objectives and specific areas of knowledge. A key criteria for internships is the benefit for the intern while they are working, there should be no gain or benefit to the employer or the business. MBIE has seen an abuse of the term “Internship” where some businesses looked on it as a way to get work done without paying for it.

“So how can my WWOOFer be an intern and learn when they can't do anything for me?”

Consider setting up a special educational project for your WWOOFer. For example in winter you could get them to plan and establish a small home orchard; select suitable varieties to plant, spacing, location, aspect, proximity to the house, fencing etc. WWOOFers gain a sense of achievement and learn a wide range of skills – all under your guidance. In summer you could have them try different composting methods to see which works the best; Uncovered, covered, vented beneath and tumble drum. Does adding twigs and small branches to a compost help aeration and decomposition? This would involve setting up different structures as well as pulling and collecting all the weeds and organic waste from the vege garden.

As with the visitor above, this would not replace a regular employee. The WWOOFer is sharing and developing knowledge with their host in a hands-on environment.

There are hosts who already offer some form of internships and we encourage hosts to try this approach. There are courses in organic agriculture around New Zealand that would be suitable for WWOOFers to do alongside their experience on your farm. [OrganicNZ](#) maintains a list of options.

There is likely to be some benefit for the host farm by way of

having the intern plant, weed, cultivate, or irrigate, so the host needs to make the case that such tasks are mainly to facilitate the intern's learning. One way to clarify this intent is to have an internship agreement setting out this purpose below.

If the "experience" the WWOOFer is getting is something that would normally be done by an employee then they would be more like a trainee. In this case it is likely the labour inspectorate would classify them as an employee.



Working side by side with interns and using work tasks as instructional opportunities may also separate interns from employees.

FEEDBACK

Have you developed your own internship program for WWOOFers?
How could WWOOF best provide support for WWOOF Internships
feedback@wwoof.nz

VOLUNTEERS

People who give their time without expectation of reward for the common good are generally considered volunteers. The law says;

- Be clear that it is a volunteer position and that the WWOOFer does not expect payment or other reward. This should be done in writing.
- Make sure that the volunteer does not receive any payment.
- Avoid getting an economic benefit from the work done by the volunteer.
- Avoid having the volunteer do work which is integral to a business, such as work that an employee would ordinarily do.
- Limit the duration of work and the hours worked by the volunteer. The longer a person volunteers and the more hours they work, the more likely they are to be an employee.

The volunteer classification can really only ever apply to hosts who are not a business and don't generate any income from their property. The definition is quite clear that there should be no reward given for work done. The test for a WWOOFer to be a true volunteer is more tricky than a visitor or intern just by the

simple fact that the purpose of a volunteer is to actually do work which makes it very easy for them to fall in to the employee classification.

The law does state however that a WWOOFer is able to be rewarded with their personal satisfaction of completing the tasks. They can also receive a koha or gift and also have any expenses covered that they incurred during their work.



There is the practical consideration that most hosts are rural and there is often a lack of transport and access. If a volunteer is on a farm for a week and has no transport of their own, then it's natural to expect the host to provide them with a bed out of sheer practicality. Be aware that this may cross over to being seen as an employment relationship - depending on the circumstances.

FEEDBACK

While having volunteers, how can the board you might give them not be seen as “payment” or “reward”?

feedback@wwoof.nz

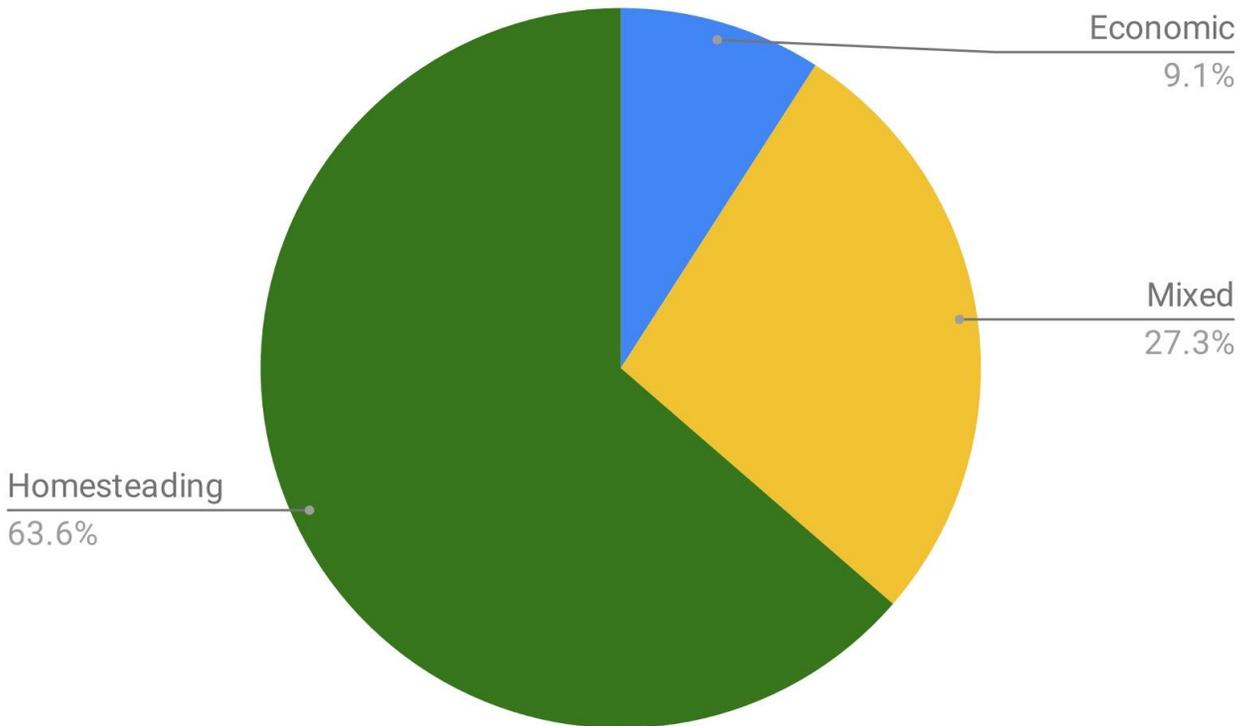
EMPLOYEES

If your WWOOFer does not fit the criteria for being a visitor or doing an internship or volunteering as outlined above then you will most likely be classified as an employer.

SPECIAL NOTE

This classification is somewhat outside the scope of WWOOF which focuses on fostering organic farming and sustainable lifestyle education and cultural exchange. However, it is possible that you are offering genuine WWOOFing experiences but also have an income producing property. If the WWOOFer is bringing benefit to your business, you are automatically classified as an employer according to the law. To be accepted as a WWOOF host will depend on factors such as the scale of your business and how WWOOFers are involved.

Property Classifications



The **Property Classifications** chart is based on a sample size of 200 hosts. Definitions;

Homesteading are hosts who grow for their own use and there is no income producing activity.

Economic are hosts who are economic units, growing or producing product for income producing purposes.

Mixed are hosts who have both elements of **Homesteading** and **Economic** on their farm.

With the mixed category, hosts may choose whether to involve WWOOFers in the economic part of their farm. If the involvement is for experience and learning purposes you may choose to fit within the Internship model but keep in mind the criteria for this is quite strict.

“So what obligations do I have to meet if I am going to be classified as an employer?”

You should not be hosting WWOOFers as a way of getting employees.

You will need to comply with your legal requirements, this document helps explain these:

<https://www.employment.govt.nz/assets/Uploads/tools-and-resources/documents/labour-inspectorate-position-statement-work-in-a-business-without-payment-of-wages.pdf>

There is a requirement to have an agreement when providing board in return for work and there is a sample agreement in the appendix that you are welcome to use.

SUMMARY

WWOOF involves hosting people to enjoy a cultural and learning experience. Hosts welcome guests into New Zealand homes to share their lifestyles. WWOOFers want to participate in activities in the home and on the farm because they are curious to discover more about living like a local and organic farming.



New Zealand's labour laws provide protection for employees, however the criteria can cause confusion for WWOOF hosts who are providing valuable educational experiences on their farms.

We would like to hear about your experiences. We would also like to compile your ideas and suggestions to share with other hosts and WWOOFers. Please indicate in your correspondence if you are happy for us to publish your feedback and if you would like to be credited or remain anonymous.

Ways you can give feedback:

Email	feedback@wwooof.nz
Phone	022 052 6624
Post	WWOOF PO Box 1172 Nelson New Zealand

APPENDIX

Sample Visitor Agreement

Visitor Agreement between Host and WWOOFer

The main goal for hosting WWOOFers is to enjoy a cultural and educational experience. Hosts welcome visitors to their home to share their lifestyle. WWOOFers participate in activities on Host lifestyle blocks, farms or homesteads, because they are curious to discover more about organic farming, gardening, alternative and sustainable living practices. As they are guests, hosting WWOOFers is the same as inviting friends or family to stay for an extended visit. Both parties are equal and autonomous, and there is no expectation of quid pro quo, or an exchange of labour for board. These are given freely as part of a cultural and educational experience, focused on small farm lifestyles and organic farming.

WWOOF visitors are openly invited to share the home, family, farming, cultural activities and lifestyle. They are included in social outings and community events and have free time to explore the area. The only condition for a WWOOFer is that they are genuinely interested in discovering the daily life and work of the host.

(To be completed, if necessary, for every WWOOFer that comes to your property)

The Host:

We, [HOST NAME], declare that the people we welcome into our home are part of our various family, friendship, association relationships.

1. They come to share our lives and activities in order to discover new ways of life, to make new acquaintances, to get closer to nature, to approach the practice of organic farming, permaculture, eco-construction or other environmentally sound techniques.
2. This is a free and democratic relationship between responsible and autonomous people. There is no Master - Servant relationship.
3. WWOOFers are here voluntarily, without expectation of compensation.
4. We invite them to participate in our activities, and they contribute at their own pace according to their desires and abilities, as friends who lend a hand to each other.
5. We do not expect our guests to be either effective or productive.

The WWOOFer:

I, [WWOOFer NAME], a WWOOFer welcomed by [HOST NAME] state that:

1. I participate in my host's activities in a free and voluntary way. There is no Master - Servant relationship.
2. I want to learn and discover through practical application about organic farming, permaculture, eco-construction or other environmentally sound techniques.
3. I want to participate in a simple, ecological family life close to nature.
4. I am free to choose the duration of my stay and my whereabouts as well as my pace of life.
5. I'm happy to participate in the activities of:

6. I am also here to be in nature and breathe in the fresh air!

WWOOFer NAME: _____

Address: _____

Email:

Arrival date: _____

Scheduled departure date: _____

I have read the above statements and I agree.

DATE: __ - __ - ____ _____
[HOST]

DATE: __ - __ - ____ _____
[WWOOFer]

Sample Internship Agreement

Internship Agreement between Host and WWOOFer

The main goal for hosting WWOOF Interns is to enjoy a cultural and educational experience. Hosts welcome visitors to their home to share their lifestyle. WWOOF Interns participate in activities on host lifestyle blocks, farms or homesteads, because they are curious to discover more about organic farming, gardening, alternative and sustainable living practices. There is no expectation of quid pro quo, or an exchange of labour for board. The only condition for a WWOOF Intern is that they are genuinely interested in discovering the daily life and work of an organic farm.

The Host:

We, [HOST NAME], declare that the people we welcome into our home are part of our various family, friendship, association relationships.

We invite them to participate in our activities, and they contribute at their own pace according to their desires and abilities.

They come to share our lives and activities in order to undertake a course of practical learning in the practices of organic farming, permaculture, eco-construction or other environmentally sound techniques.

This is a free and democratic relationship between responsible and autonomous people. There is no Master - Servant relationship.

WWOOF Interns are here voluntarily, without expectation of compensation. WWOOF Interns are free to enjoy and benefit from the education, knowledge and skills they gain.

We do not expect our WWOOF Interns to be either employees or productive, meaning they will not bring benefit to our business. We may provide a koha or gift and we may offer recompense for expenses incurred as part of the internship.

The WWOOF Intern:

(To be completed, if necessary, for every WWOOFer that comes to your property)

I, [WWOOFer NAME], a WWOOFer state that:

I participate in my host's activities in a free and voluntary way. There is no Master - Servant relationship.

I want to learn and discover through practical application about organic farming, permaculture, eco-construction or other environmentally sound techniques.

I want to participate in a simple, ecological family life close to nature.

I am free to choose the duration of my stay and my whereabouts as well as my pace of life.

I'm happy to participate in the activities of:

I am also here to be in nature and breathe in the fresh air!

WWOOFer NAME: _____

Address: _____

Arrival date: _____

Scheduled departure date: _____

I have read the above statements and I agree.

DATE: __ - __ - ____ _____
[HOST]

DATE: __ - __ - ____ _____
[WWOOFer]

Sample Volunteer Agreement

Volunteer Agreement between Host and WWOOFer

The main goal for WWOOF Volunteers is to enjoy a cultural and educational experience and to contribute to developing a project for the greater good. Hosts welcome volunteers to their home to share their lifestyle. WWOOF Volunteers participate in activities on host lifestyle blocks, farms or homesteads, because they are curious to discover more about organic farming, gardening, alternative and sustainable living practices. There is no expectation of quid pro quo, or an exchange of labour for board. WWOOF Volunteers are genuinely interested in discovering the daily life and work of an organic farm.

The Host:

We, [HOST NAME], declare that the people we welcome into our home are part of our various family, friendship, association relationships.

We invite them to participate in our activities, and they contribute at their own pace according to their desires and abilities.

They come to share our lives and activities in order to participate in organic farming projects, permaculture, eco-construction or other environmentally sound techniques.

This is a free and democratic relationship between responsible and autonomous people. There is no Master - Servant relationship. Our farm is not a business and there is no produce sold or produced for sale from our farm.

WWOOF Volunteers are here voluntarily, without expectation of compensation. We may provide a koha or gift.

The WWOOF Volunteer:

(To be completed, if necessary, for every WWOOFer that comes to your property)

I, [WWOOFer NAME], a WWOOFer state that:

I participate in my host's activities in a free and voluntary way. There is no Master - Servant relationship.

I want to learn and discover through practical application about organic farming, permaculture, eco-construction or other environmentally sound techniques.

I want to participate in a simple, ecological family life close to nature. I also wish to volunteer in order to;

1. Improve my mind and knowledge
2. Get exercise
3. Connect with Kiwi families
4. Gain skills to use in my career
5. Enjoy a fun activity.

I am free to choose the duration of my stay and my whereabouts.

I'm happy to participate in the activities of:

WWOOFer NAME: _____

Address: _____

Arrival date: _____

Scheduled departure date: _____

I have read the above statements and I agree.

DATE: __ - __ - ____ _____
[HOST]

DATE: __ - __ - ____ _____
[WWOOFer]

Sample Employment Agreement

Employment Agreement between Host and WWOOFer

There are people who wish to participate in a small enterprise to learn new skills and gain experiences in different farming/gardening and other entrepreneurial activities. Please read what is required by employment law if WWOOFers will participate in any business part of your property.

Employment contract in the respect to accommodation, Wifi, and food supplied in payment for the work completed.

Please note - Health and Safety for all persons on site. They must have an induction to the safety gear, Assembly Point, First Aid Kit location etc. Have a Health & Safety Plan document.

The Host:

We, [HOST NAME], declare that;

1. The WWOOFers we welcome are part of our various family, friendship and association relationships.
2. Our WWOOFer is staying in our family home environment and shares meals and other time with us as any other friends or family would normally.
3. They come to share our lives and activities in order to discover new ways of life, to make new acquaintances, to get closer to nature, to learn the practice of organic farming/gardening, permaculture, eco-construction or other environmentally sound techniques. To have hands on learning of new skills and

share ideas.

4. This is a free and democratic relationship between responsible and autonomous people.
5. WWOOFers are here voluntarily and acknowledge they are free to leave at any time.
6. We invite them to participate in our activities, and they contribute for no more than [HOURS] per day at their own pace according to their desires and abilities, as friends who lend a hand to each other.
7. We agree to supply accommodation, laundry facilities, Wifi, and three meals a day as fair reward for help given. The value being [HOURS X \$20.00 (a living wage)] per day. This being equivalent to or more than the rate on the open market.
8. We will provide suitable training and safety gear where appropriate. We will directly supervise activities that have an element of danger or risk.

The WWOOFer:

(To be completed, if necessary, for every WWOOFer that comes to your property)

I, [WWOOFer NAME], a WWOOFer state that:

1. I participate in my host's activities in a free and voluntary way and acknowledge that I am free to leave at anytime. I understand that my host is free to ask me to leave at anytime.

2. I want to learn and discover through practical application about organic farming/gardening, permaculture, eco-construction or other environmentally sound techniques.
3. I want to have a hands on experience and learn new skills
4. I'm happy to participate in the activities of:

5. I understand that these activities will be for the duration of [HOURS] per day
6. I understand that I will be supplied with accommodation, laundry facilities, Wifi, and three meals a day as fair reward for help given. The value being [HOURS X \$20.00 (a living wage)] per day. This being equivalent to or more than the rate on the open market.
7. I have had WorkSafe requirements explained to me. I will not do tasks that bring risk to myself/others or that I don't feel confident in doing.

WWOOFer NAME: _____

Address: _____

Email:

Emergency Contact details (incase of injury)

Arrival date: _____

Scheduled departure date: _____

I have read the above statements and I agree.

DATE: __ - __ - ____ _____
[HOST]

DATE: __ - __ - ____ _____
[WWOOFer]