



Question: Can for-profit farms have volunteer workdays?

Under federal and state labor laws, people generally cannot “volunteer” for a private, for-profit business in the same way they can for a nonprofit or charity. If someone is doing productive work that benefits a for-profit business, regulators may view them as employees who should be paid at least minimum wage.

However, a for-profit farm **can host volunteer days**, but there are some **important legal and liability limits** to keep in mind.

Labor law considerations

In the U.S., for-profit businesses generally can’t use unpaid volunteers for productive work that benefits the business.

- The Fair Labor Standards Act (FLSA) requires that anyone performing work for a for-profit company be treated as an employee (paid at least minimum wage).
- “Volunteer” labor is legally reserved for nonprofits, charities, or public agencies.

Meaning, if your volunteer day involves people doing productive work (weeding, harvesting, planting, packing, etc.) it technically should be paid labor under labor law.

However, you **can** safely do educational or community-building volunteer days if:

- The event **clearly provides some recreational, educational, or promotional benefit** to the participant and is not a normal workday.
- Participants **don’t replace regular paid labor**.
- The business that hosts the workday derives no immediate advantages from the activities of the participants, and on occasion operations may actually be impeded.
- You **don’t promise compensation** or imply that volunteering could lead to employment.
- You **carry insurance** covering on-site guests or volunteers.

Common legal ways farms do this

Farms often structure “volunteer days” in one of these compliant ways:

- **Educational events / farm tours:**
People can *help out a little* as part of an educational experience (e.g., “learn to plant taro” workshop).
You can charge or make it free — just make sure the focus is learning, not unpaid labor.
- **CSA or “workshare” members:**
Some farms offer a produce discount or share in exchange for limited hours of work.

This can be allowed if structured properly (participants are seen as members, not employees).

- **Volunteer partnerships with nonprofits:**

If you work with a **nonprofit partner** (like a local food access or educational group), volunteers technically serve the nonprofit's mission, not your for-profit farm directly.

Insurance and liability

Even if unpaid, volunteers or guests can get injured.

You should:

- Ensure your **farm liability insurance** covers "volunteers or guests."
- Have visitors **sign waivers** acknowledging farm risks.
- Provide basic **safety instructions** (closed shoes, no machinery use, etc.).

Key takeaways

When promoting community or volunteer work days be sure to frame them as:

- Educational opportunities, community service events, or cultural stewardship/work exchange programs
 - The more the event looks like "come help us harvest our commercial crop for free," the higher the risk.
- Limited in frequency (e.g., monthly)
 - A once-a-month community mālama/workday with education, food, and cultural/community engagement is viewed differently than regular unpaid weekly labor supporting normal operations.
- Optional participation
- No expectation of productivity quotas
- Not replacing regular employees
- Possible food/demo/tour included

And remember:

- Waivers are helpful but not enough.
 - Liability waivers can help with injury risk management, but they do not override wage-and-hour laws.
- Protect your business with liability insurance.
 - Check whether your farm's general liability policy covers volunteers/participants during workdays. Some policies exclude unpaid workers unless specifically disclosed.
- Minors require extra caution.
 - Child labor rules can apply even if unpaid.

If you have any questions or would like to discuss this topic further, reach out to us at info@gofarmhawaii.org.