

The Volunteer Relationship



Many charities and not-for-profit organizations depend on the dedication and hard work of their volunteers. Volunteer contributions can include fundraising, promotion and advocacy, governance, and service delivery. As such activities are often integrated with day-to-day operations, and integral to an organization's success, it is important to consider the obligations arising from the relationship between volunteer and organization.

As employers, charities and not-for-profit organizations can be held vicariously liable for the actions of their employees. The doctrine of vicarious liability can also apply to volunteers, provided the volunteer is acting within his or her assigned role, and the charity or not-for-profit exercises direction and control over the volunteer's activities. The Supreme Court of Canada has specifically rejected the premise that "an organization's responsibility and control over its operations diminish when it employs volunteers" (see *Bazley v. Curry*, 1992 SCR 534). Organizations should therefore have policies and procedures in place that address the roles and responsibilities of volunteers as they do for their employees.

An organization's By-law and/or Code of Conduct typically define the parameters for the organization's volunteer Board of Directors. Developing job descriptions for other volunteer positions can also assist with clarifying the extent of a volunteer's authority, and can also define qualifications, licences, record checks or other pre-requisites for a role. Properly documenting expectations can also leave an organization well-positioned in the event that it needs to restrict or terminate its relationship with a volunteer, such that any impact on morale and reputation can be minimized.

Volunteers, like employees, are entitled to receive appropriate orientation, training, and supervision. Although this can represent a potentially significant cost, professional development opportunities can be an excellent tool for attracting and retaining volunteers and building capacity in addition to protecting the organization from liability in some cases.

Caution should be exercised before allowing volunteers to access records containing donor, employee or other personal information. Such data should only be accessible to the extent that it is necessary for the volunteer to perform an assigned task, and only after providing training on the organization's privacy policy. Depending on the nature of the work, it may be appropriate to ask a volunteer to sign a confidentiality agreement or put other oversight procedures in place as appropriate.

In addition to ensuring that volunteers are adequately trained and supervised and that there are adequate policies and procedures in place, it is also prudent to review the organization's insurance coverage particularly in cases where the organization's operation has been expanded to incorporate the role of volunteers since the insurance policy was last renewed. The insurance policy should name volunteers as insured parties, and should also be reviewed for coverage of special events such as off-site fundraisers.

The relationship between volunteers and the organizations they serve is reciprocal. Individuals willing to commit their time and expertise are the backbone of many charitable and not-for-profit organizations. For the relationship to be mutually rewarding and beneficial, and with minimal risk, it is incumbent on the charity or not-for-profit organization to lay the proper foundation.

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