

Definitions

Volunteer - An individual who chooses to undertake a service or activity for an individual, organization or community at large and does not receive a salary or wage for this service or activity.

Duty of Care - Volunteers must exercise reasonable care with respect to the interests of the organization and of others, including protecting them from harm.

Standard of Care - The degree or level of service, attention, care and protection that a volunteer owes another person according to the law.

For the purpose of this document, volunteers may be considered to be in two broad general categories:

- **Governance Volunteers** - These are volunteers who work in a leadership capacity, such as directors and officers, or in an advisory capacity.
- **Operational Volunteers** - These are volunteers who work directly in operating the organization, such as fundraisers, and anyone else involved in a non-governing way.

Volunteers are essential to many organizations, whether used on a day-to-day basis, for special events or some other purpose. Organizations have a duty to protect staff, volunteers, members, patrons, clients, etc. from harm. The proper screening and training of volunteers is essential to meeting that required standard of care. Governance and Operational Volunteers can be a source of liability to your organization if they:

- are criminals, such as sex offenders, or could be harmful to persons who receive volunteer services;
- damage property belonging to your organization or a third party;
- cause injury to a third party. This includes more than just physical injury; sexual harassment and slander are also forms of injury;
- injure themselves; and/or
- commit a criminal offense.

Key Point
Appropriate screening, selection and training of volunteers is an important way to prevent losses and reduce liabilities.

Risk Management

1. Seek legal advice regarding the rights and obligations that your organization and your volunteers have (see also Directors' and Officers' Liability). Rights and obligations may vary depending on what province(s) you operate in, the type of organization, the operations being conducted, etc. Consider such issues as:
 - Will your organization be liable for the actions of volunteers, whether they are governance or operational?
 - What steps can you take or are you taking to protect against these liabilities?
 - Do you carry the appropriate insurance for these liabilities? Ask your insurance representative.

2. Develop a policy for screening (sample below), including:
 - Who will be responsible for screening.
 - What/how much training is required for screening.
 - How information obtained in the screening process will be maintained and used.
 - How the privacy of volunteers will be maintained.
3. Create a description for each available volunteer position that identifies preferred qualifications and responsibilities and screening requirements.
4. Determine the amount of screening required for each position by considering:
 - Will the volunteer interact with vulnerable persons (i.e., children, elderly persons, handicapped persons)? If yes, is more screening required?
 - Will the volunteer have supervision and/or be working with a large group? Is more screening required if he/she is working under little supervision or by him/herself?
 - Are there any situations that the volunteer may encounter that may increase risks of loss or negligence (e.g., transporting children)? If yes, is more screening required?
 - Will the volunteer be in a position of trust due to a relationship of trust, dependency, authority or reliance? If so, is more screening required?
5. Require applicants to complete standardized forms outlining their skills and experience, and contact information for at least three references.
6. Interview qualified volunteers prior to making selections. Interview questions should be designed to gain a greater understanding of experience, skills and attitudes.
 - Does this candidate have skills, values and a personality that align with the position and the organization?
 - Is this person aware of the risks involved with the position? Will this person commit to taking reasonable precautions to control risks?
 - Describe the position and organization, as well as orientation, training, supervision and evaluation requirements.
7. Request a police record check for all applicants who may be in a position of trust, working with vulnerable persons, dealing with confidential material, etc. The applicants may acquire and submit the records themselves or the organization may obtain a record with written permission from the applicant. If an applicant has committed an offense, several factors must be considered to

Key Point
Every position is different. Ensure that the right person with the right qualifications is selected for each position.

Key Point
Even if volunteers are in short supply, a letter of good conduct from the police is a standard practice and should not deter people from volunteering.

determine whether the offense is relevant to the applicant's ability to perform the volunteer position:

- the age of the person at the time of the illegal act;
- the amount of time that has passed since the illegal act;
- attempts at rehabilitation;
- the circumstances surrounding the conviction and the likelihood that the offender will re-offend; and
- whether the offender presents a threat to the organization to carry on its business safely and efficiently.

Do not under any circumstances allow a convicted sex offender to work with children.

8. Consider creating a database of all potential volunteers so it is easy to search a list of volunteers by qualifications, experience or other characteristics when recruitment is necessary. This will help ensure that the right qualifications are matched with the requirements of the available volunteer position.
9. Develop standards of behaviour that volunteers must follow.
 - Require volunteers to sign a contract regarding length of service, duties, confidentiality requirements, etc.
 - Require volunteers to read and sign all organizational policies that affect their positions.
 - Where vulnerable clients are involved, establish organizational policies to ensure volunteers always work in teams; that is, they are not put at risk of being alone with others.
10. Conduct orientation sessions to introduce volunteers to the organization's risk management policies and procedures.
11. Provide volunteer training for the tasks they will be required to perform. Do not place a volunteer in a position for which he/she is not trained.
 - If driving is required as part of a position, consider enrolling volunteers in defensive driving courses.
 - Provide refresher training courses regularly. The frequency will depend on the situation, but check into best practices used by similar organizations for training in the same skills/operations. For example, CPR and lifeguard recertification is required at specific regular intervals.
12. Place volunteers on probation for the first three months.
 - Provide supervision.

Key Point

Clearly define the volunteers' responsibilities and ensure that they get the training they need to perform them properly.

Volunteer Selection, Screening and Training

- Extend probation if any problems occur or complaints are received.
- Evaluate the need for additional training.

Key Point

The fact that volunteers are generally not compensated does not mean that they do not want and need feedback on their performance.

13. Consider the use of photo ID badges for volunteers to be used at all times while performing volunteer activities.
14. Conduct volunteer performance evaluations regularly (perhaps semi-annually or annually) to discuss volunteer progress and performance.
15. Collect feedback from those who receive services from volunteers to identify trends in volunteer achievements and weaknesses.
16. Investigate any complaints obtained from those receiving a volunteer's services.
17. Always document any concerns about volunteer performance. Develop a policy for discipline and dismissal of volunteers where appropriate for the protection of the organization, other volunteers, and the users/recipients of your services. **Be very careful in this regard and seek legal advice, as improper discipline or dismissal could result in liabilities to the organization.**
18. Reward volunteers for good performance. Rewards do not have to be tangible - even verbal recognition at an event or meeting is sufficient if your budget does not allow for prizes.
19. There is volunteer screening training available at organizations across Canada. Programs for volunteer recruiters exist through groups such as:
 - Volunteer Canada
<http://www.volunteer.ca/volcan/eng/content/screening/training.php?display=4,0>.
 - The Community Services Council of Newfoundland and Labrador
<http://www.envision.ca/templates/resources.asp?ID=5015>

Volunteer Selection, Screening and Training



Additional Resources

"Federal Law and Social Policy" - Describes how the law affects screening
<http://www.volunteer.ca/volunteer/pdf/federallaweng.pdf>.

Volunteer Canada Volunteer Resource Centre: "One-stop access to information"
<http://www.volunteer.ca/resource/eng/>.

Volunteer Canada's Safe Steps screening program - Outlines 10 steps for screening.
<http://www.volunteer.ca/volcan/eng/content/screening/safe-steps.php?display=4,0>.

National Education Campaign on Screening (NECS) has published, "The Screening Handbook: Protecting Clients, Staff and the Community," and the "Duty of Care Video." These and other resources can be purchased from Volunteer Canada at
<http://www2.clicshop.com/stores/volcan1/c212118.2.html>.

The Community Services Council Newfoundland and Labrador
<http://www.envision.ca>

Energize Inc.
<http://www.energizeinc.com/art/anos.html>

The National CASA Association
http://www.volunteer.smartlibrary.info/NewInterface/headline.cfm?table_of_contents=2127

Sample Volunteer Screening Policy

Purpose: As an organization, we must strive to protect our stakeholders from injury caused by our volunteers. This policy outlines processes for screening volunteers to avoid negligent selection of volunteers.

Responsibility: Volunteer Coordinators, Human Resources

Procedures:

1. All applicants shall fill out an application provided by Human Resources.
2. A Volunteer Coordinator will review applications received from potential volunteers. All Volunteer Coordinators shall be trained to screen volunteers through up-to-date Volunteer Canada courses.
3. Applications of qualified applicants shall be entered into the password-protected electronic volunteer database. Resumes of unqualified applicants shall be discarded.
4. Once a volunteer position becomes available, the Volunteer Coordinator shall select a maximum of five of the most qualified applicants for each available position to interview. During the interview, the Volunteer Coordinator conducting the interview shall determine the applicants' suitability for the position(s) available, as well as disclose the following information:
 - a. The risks involved with the position(s) being applied for
 - b. The requirement for a police record check (dependent on the screening requirements of the position(s) being applied for)
 - c. Orientation, training, supervision and evaluation requirements
5. All information obtained during the interview shall be entered into the applicant's electronic file in the password-protected electronic database and shall be used solely for the purpose of making a selection decision. Applicants may request to have their information removed at any time.
6. In selecting volunteers, Volunteer Coordinators shall not make selections based on race, creed, colour, place of origin, nationality, sex or age.
7. The Volunteer Coordinator shall obtain police record reports from all applicants vying for a position that involves working with children or working without supervision.
 - a. If an applicant has committed an offense in any way related to sex, physical violence, maliciousness or other offenses as the Volunteer Coordinator sees fit, that applicant will not be considered for selection.
 - b. If an applicant has committed any other offense, time that has passed, attempts at rehabilitation, likelihood to re-offend and other individual circumstances will be considered in the selection process.
8. The Volunteer Coordinator shall contact all references provided by applicants, document conversations and use the references as a strong consideration in making a selection decision.
9. Successful applicants shall be notified by phone by a Volunteer Coordinator.
10. Volunteers are required to read, sign and follow all organizational policies.
11. All volunteers shall be on probation for a period of three months and receive evaluations every three months to review their performance. Any significant deviations from policies or unnecessary risky behavior shall be grounds for dismissal.