



WEBINAR SERIES

VOLUNTEER RIGHTS:

What Volunteers and Board Members Need to Know

2024 Volunteer Screening Program



Land Affirmation

Volunteer Alberta's main office is situated on Treaty 6 Territory, specifically, amiskwaciwâskahikan ($\Delta\Gamma^{\circ}\text{B}^{\circ}\cdot\Gamma^{\circ}\Delta\dot{\iota}^{\circ}\text{B}^{\circ}\Delta\text{b}^{\circ}$) as it is referred to by the Plains Cree peoples among other Indigenous names, and the homeland of the Métis Nation. Our staff, board, and our work reach across Treaties 4, 6, 7, 8, and 10, and we affirm that the land we call Alberta is the traditional and ancestral territory, as well as present-day homes of many Nations, including the Blackfoot Confederacy – Kainai, Piikani, and Siksika – the Cree, Dene, Saulteaux, Nakota Sioux, Stoney Nakoda, the Tsuu T'ina Nation, and the Métis People of Alberta, which includes the Métis Settlements and the 21 districts of the Métis Nation of Alberta. Since time immemorial, First Nations, Inuit, and Métis peoples have cared for these lands, and they continue to do so today. Volunteer Alberta identifies and affirms the historical and current relationships of these Nations to the land as an act of Reconciliation and with the awareness that acknowledging, recognizing, or affirming these facts is a small step and not enough.

Volunteer Alberta is committed to reflecting on, critiquing, and changing our ways of knowing, being, and doing in order to start supporting and concretely contributing to Reconciliation and Indigenous Resurgence in ways we have not yet done.

What is VSP?

- Partnership between Volunteer Alberta and Government of Alberta
- Provides educational resources and tools designed to help nonprofit voluntary sector (NPVS) organizations improve their volunteer screening processes and procedures
- Offers financial opportunities to aid organizations in their volunteer screening efforts, including the Vulnerable Sector Check Fee Waiver and Volunteer Screening Development Grants



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Volunteer Alberta does not provide legal advice.

- All Volunteer Alberta branded content a part of this webinar is meant to provide some useful, general information, which does not substitute for legal advice.





Consultations | Workshops | Toolkits | Organizational Development Projects

**Go-to problem
solver for
your nonprofit**

- Governance
- Board Development
- Strategic Planning
- Risk Management
- Legal Support



Overview

- What is volunteering?
- Do volunteers have rights?
- Where do these rights come from?
- Volunteer Directors Duties and Rights
- Indemnities and Insurance
- Developing Scope of Duties/Policies
- Resources

All sources and resources are
clickable links!



What is volunteering?

According to International Labour Organization (ILO), volunteering is...

a wide range of activities, including *traditional forms of mutual aid and self-help, formal service delivery* and other forms of *civic participation, undertaken of free will*, for the general public good and **where monetary reward is not the principal motivating factor**.

(ie doing something for others willingly without being paid)



Where do volunteer rights come from?

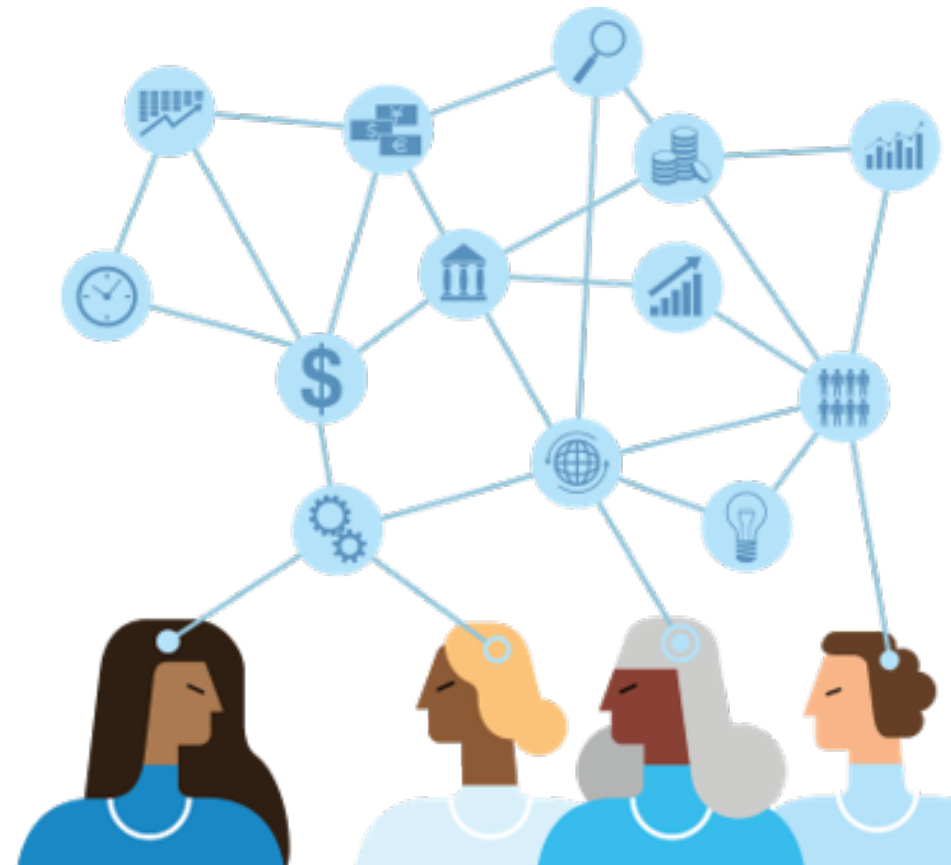
- In Canada rights generally come from the constitution and other laws - *legal rights, human rights, democratic rights, equality rights etc.*
- Rights are given or granted
- Volunteer rights in Alberta can be found in **three basic places**:
 - Laws created by legislation
 - A volunteer contract that grants rights
 - Rights given to volunteers in an organization's policies



Volunteer Rights - Legislation

Examples of Alberta legislation that give volunteers rights or protection:

- **Freedom to Care Act**
- **Occupational Health and Safety Act**



Freedom to Care Act

SA 2021, c F-25.4 ("the Act")



Provides volunteer liability protection for directors, officers, or trustee positions in certain incorporated nonprofit organizations.

So, volunteer has a right to be protected!

Source

<https://www.alberta.ca/freedom-to-care.aspx>



Freedom to Care Act

SA 2021, c F-25.4 ("the Act")



What is protected?

The Act is intended to provide protection from liability for volunteers and remove potential barriers/concerns to volunteering.

The Act provides broad liability protection for individual volunteers acting within the scope of their duties on behalf of an organization.

The definition of a volunteer?

The Act defines a volunteer as including a **director**, **officer** or **trustee** of a nonprofit organization who is not compensated for their role, apart from reasonable reimbursement for expenses.

Included protection for professionals acting in their capacity as a volunteer

The Act specifies that a volunteer acting in a volunteer capacity that includes a **professional designation**, must be **properly licensed, certified or authorized**, if required by law, for the activities or practice undertaken by the volunteer in order to be protected from liability.

Example: if a professional like a lawyer or a psychologist is volunteering those legal or psychological services on behalf of a nonprofit and are licensed or registered to provide legal or psychological services, then they would receive the benefit of the limitation on liability.

What is not protected?

The Act does not afford liability protection to any individuals that cause damages where:

- the damage was caused **by wilful, reckless or criminal misconduct or gross negligence** by the volunteer,
- the damage was caused by the volunteer while **operating a motor vehicle**, vessel, aircraft or other vehicle for which the owner is required by law to maintain **insurance**,
- the act or omission that caused **the damage constitutes an offence**, or
- the volunteer was unlawfully using or **impaired** by alcohol or drugs at the time of the act or omission that caused the damage.

This Act **does not affect the liability of any nonprofit organization itself.**

The nonprofit organization has **no right of recovery against the volunteer if the volunteer is not liable.**

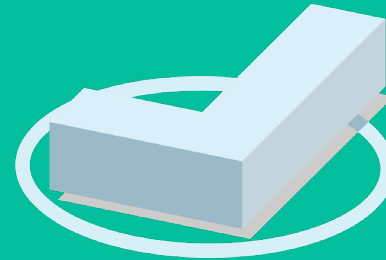
Alberta's OHS Act

- Definitions
- Basic rights of workers
- Harassment and violence
- Resources



Let's Test Your Knowledge!

**Answer the following
true or false questions!**



Alberta OHS Legislation

Definitions



Nonprofit organizations are considered employers and must meet all OHS requirements!

- **“Employer”** includes a charity or a nonprofit organization
- **“Worker”** includes a volunteer
- **“Work site”** means a location where a worker is, or is likely to be, engaged in any occupation and includes any vehicle or mobile equipment used by a worker in an occupation



Alberta OHS Legislation

Basic Rights of Workers

The OHS Act gives workers *three basic rights*:

1. **Right to refuse dangerous work:** Workers have the right to refuse dangerous work and are protected from reprisal for exercising this right.
2. **Right to know:** Workers have the right to know of potential hazards and have access to basic health and safety information in the workplace.
3. **Right to participate:** Workers have the right to be involved in health and safety discussions and participate in health and safety committees.



Volunteers have the same OHS rights and responsibilities as other workers under OHS legislation.

Source: OHS Act, 2020



Alberta OHS Legislation

Harassment and Violence

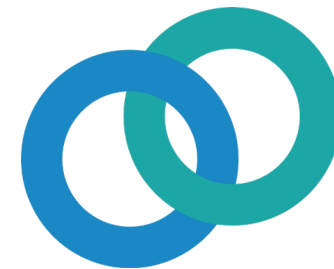
Employers and supervisors must ensure workers are not subject to nor participate in workplace harassment or violence.

Employers are required to:

- **develop separate** violence and harassment **prevention plans**
- prepare an **investigation report**, **investigate incidents** and **take corrective action**
- **review of plans** at least once every three years, or after an incident
- ensure workers receive **training on recognizing, preventing and responding** to violence and harassment
- advise workers of **treatment options** if harmed by violence or harassment; workers are entitled to **wages and benefits while attending treatment programs**
- **not disclose** the **incident circumstances** or **names of parties** involved except where necessary



Source: Harassment and violence in the workplace, 2022



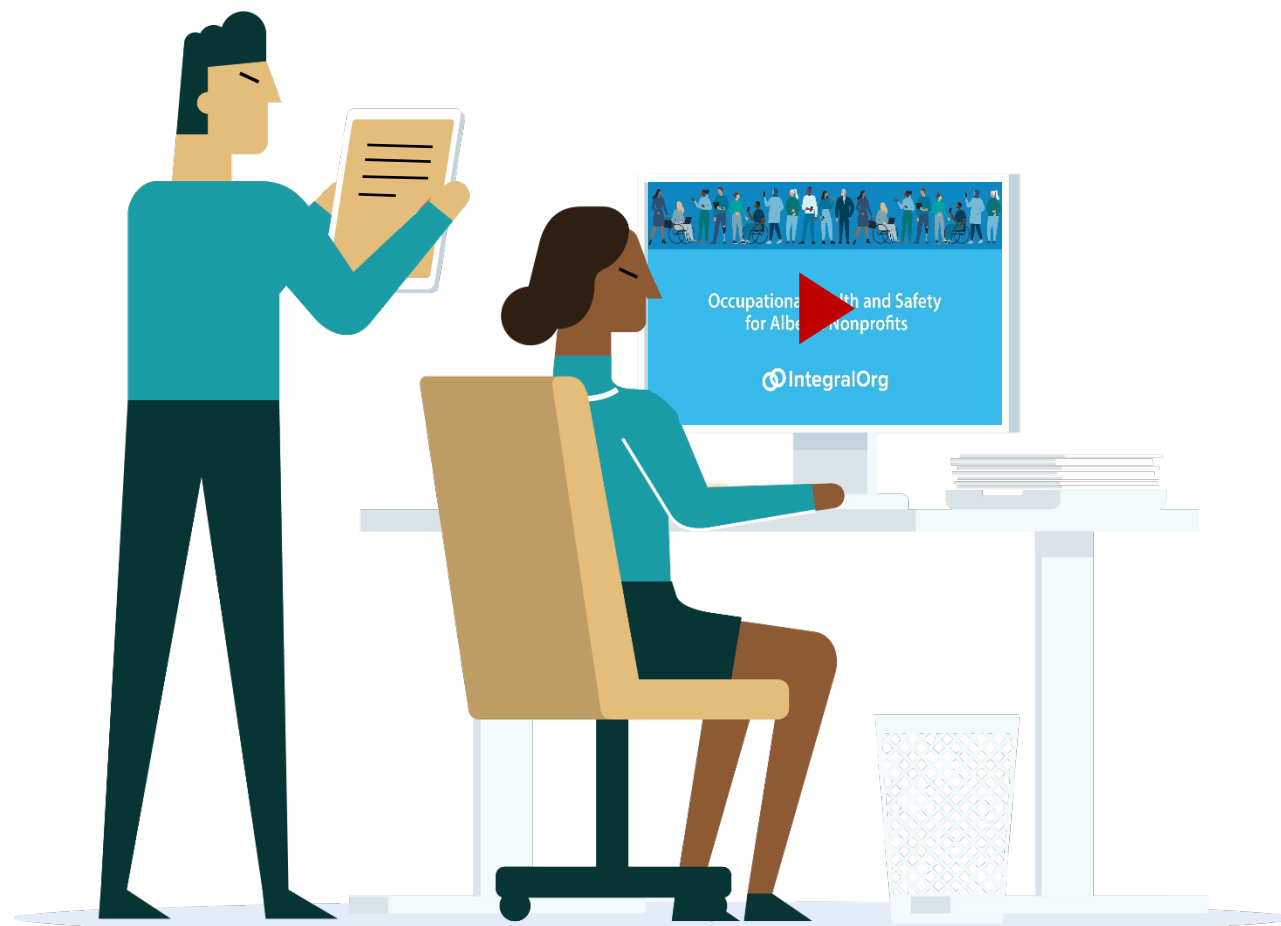
Occupational Health And Safety Toolkit

Get on the right track with OHS
as it applies to your nonprofit!

OHS Toolkit includes:

- 20-min video on OHS Basics
- Links to policy templates
- OHS guides for workers
& more!

Available now: toolkits.integralorg.ca



Contracts Might Grant Rights to Volunteers

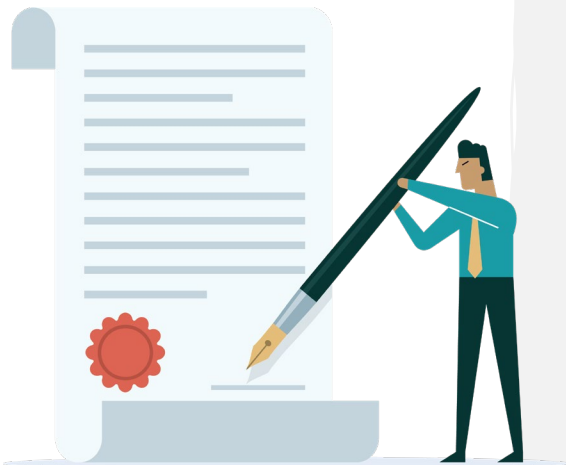
What could a volunteer contract contain?

Role	Title	Supervision
Expectations	Risks	Costs
Confidentiality	Privacy	Copyright
Expense	Reimbursement	Tools
Termination	Hours	Use of Vehicle
Contact Person	Dress code	Media
Conflict of Interest	Recognition	Feedback, Evaluation
Rights		Indemnities



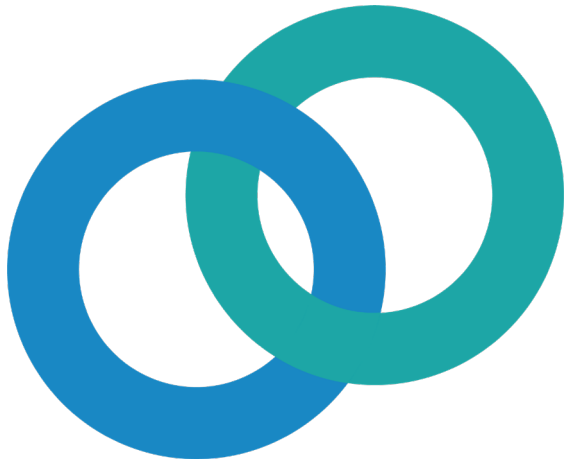
Example of Rights to Include in a Volunteer Contract

- ☐ Description of your role and tasks
- ☐ Authorization rights and permissions
- ☐ Orientation and training
- ☐ A safe environment and compliance with OHS in which to perform your role
- ☐ Rights to provide feedback and a method to do so
- ☐ Privacy and confidential protections



Special Role of Volunteer Directors

- Duty of Care
- Fiduciary Duty



Fundamental Director Duties at Common Law



Each individual director on the board has a **fiduciary duty** to the organization, which is comprised of two main duties:

Duty of care — to act with the competence and diligence that a reasonably prudent person with similar knowledge and expertise would exercise in comparable circumstances.

Duty of loyalty — to act honestly and in good faith in the best interests of the organization. Not their own interests.

Alberta Societies Act and Companies Act do not specifically change these common law duties.

Fundamental Director Duties in Nonprofit Legislation

Statutory Duties

eg. **Canada Not for Profit Corporations Act (NFP Act)** includes:

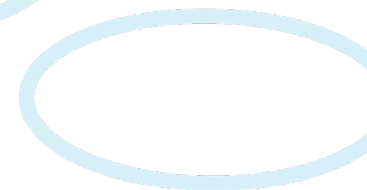
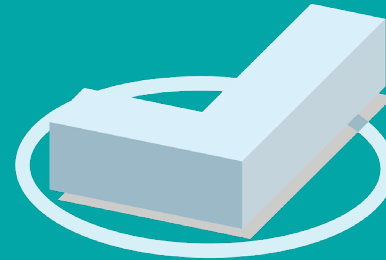
- Duty to manage or supervise management
- Act honestly and in good faith with a view to the best interests of the corporation; and
- Exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
- Duty to comply with the Act
- Verify the lawfulness of the articles and the purpose of the corporation.

Canada Not for Profit Corporations Act (NFP Act) includes the reasonable diligence and good faith defenses for Directors and Officers



Let's Test Your Knowledge!

**Answer the following
scenario questions about
director duties!**



Do Volunteer Directors have rights?

- Just as common law and legislation provide different duties for Directors, they also may provide different rights.
- Generally, Directors have rights that include:
 - **To have access to the resources of the corporation to effectively perform their Director duties.**
 - **To inspect the books, records, and documents and physical property owned or used by the corporation.**
 - **To receive notice of meetings, vote, and have minutes made.**



A note on...

Indemnities



An **indemnity** is a generally a **contract that promises to pay someone for a loss.**

Indemnities for Directors and Officers are intended to cover certain liabilities.

Effectiveness of an indemnity contract depends on the organization's ability to enter into an indemnification contract, governing legislation, bylaws, ability to pay etc.

Remember the **nonprofit organization itself** is **still liable for the actions of its volunteers.**

A note on...

Insurance Coverage for Directors and Officers



A director's assets are at risk if the organization cannot cover the loss.

Consider insurance to cover legal costs and claims against directors and officers (there are exclusions).

Nonprofit organizations should discuss their insurance needs with a knowledgeable broker or agent.



Protections for Directors

Risk Management and Duties

CPA Canada

20 questions nonprofit board directors should ask about overseeing management of risk

20 questions nonprofit board organizations should ask about director's duties

CPA Canada

Liability Indemnification and Insurance for Directors of NPOs

Muttart Foundation

Developing Job Descriptions for Board Members of Nonprofit Organizations

Rights given to volunteers in an organization's policies: A good example

STANDARD 3 - Infrastructure for Volunteer Involvement

The organization adopts a policy framework and administrative procedures that define and support the involvement of volunteers. The organization has the required resources in place and has designated a qualified individual(s) responsible for supporting volunteer involvement. Standardized documentation, records management practices and procedures follow current relevant legislation.

See also: **Canadian Code for Volunteer Involvement Code Audit Tool**



Source: Putting the Code into Action, volunteer.ca

Things to look for: **Job Descriptions**

What policies do you need to read and training you need to complete?

Who are you expected to report to?

What are you expected to do?

Scope of Duties: **What is it?**

- What needs to be done
- What tasks you're protected while doing

Why do I need to know my Scope of Duties?

- Sets a boundary of what's expected
- What tasks you are protected under

Interview the Organization!

- Ask what's being done with your information
- Ask if they give references
- Ask who the OHS representative is

Interview the Organization!

- Ask if any **skills** will be developed
- Ask for **clarification**
- Communicate your **goals**

Leaving an Organization

**Are there
procedures in
place?**

**Who do you need
to notify?**

Leaving feedback

Reporting Concerns/Complaints

- Occupational Health and Safety
- Ombudsman Office
- Alberta Human Rights Commission



VOLUNTEER SCREENING PROGRAM



<https://volunteeralberta.ab.ca/for-organizations/volunteer-screening-program/>



UPCOMING

Equity & Inclusion in Volunteer Screening: 2024 Webinar Series

**Goals-Based
Screening**

February 27th

**Engaging
Newcomers**

March 19th



Contact Us!



Email us



screening@volunteeralberta.ab.ca

More resources



<https://volunteeralberta.ab.ca/for-organizations/resources/>



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<https://integralorg.ca/>

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