

VOLUNTEERS - CONTRACTS AND INSURANCE

A CONTRACT FOR VOLUNTEERS

There are now many organisations that make, in employment terms little distinction between paid and unpaid workers - except of course in the matter of remuneration. Volunteers have job descriptions, training plans and contracts.

- **What is a contract?**

It is a formal agreement that acknowledges the benefits for, and obligations between, the worker and the employer. It lets people know where they are and what to expect, and it allows people to decide whether or not to accept the work. Volunteers, like paid workers, need an answer to these points.

- **What types of things are in a volunteer's contract?**

Some common headings are:

- Parties to the contract: the name of the volunteers and the person(s) to whom they are responsible
- Period covered by the contract: Starting day and concluding day or day of renegotiation of the contract
- Position: job title
- Duties: These should be listed if a job description does not exist
- Hours and days of work: number of hours and which day(s)
- Benefits: this might include, where appropriate, any honorarium, remission of subscription, car park, lunch etc.
- Expenses: what may be claimed, how much and to whom you should send your expenses claim. This may cover travel, postage, toll calls and other expenses
- Leave: this may include leave that is anticipated as well as how illness and other unanticipated leave can be dealt with. For example, who do you notify? Who has responsibility for finding a replacement?
- Standards: this might include the agreement of the worker to accept and operate within the organisation's philosophy, code of ethics, code of practice. It would include confidentiality
- Dispute and grievance procedures: how these will be managed and the steps involved
- Date signed and signatures

INSURING THE AGENCY'S PROPERTY AND WORKERS

A Voluntary agency is usually regarded as a business when it comes to insurance rates and cover. Agencies need to consider the following areas for insurance cover:

VEHICLE INSURANCE

Vehicles used for business purposes carry high insurance premiums, especially when driven by a number of different people. If they are used to transport clients, extra passenger cover must be considered.

Third party insurance is automatically paid for when a vehicle is registered.

- Volunteer agencies need to be aware of their obligations and duty to take care under the Land Transportation Act and the Health and Safety in Employment Act. This means that where volunteers have come to the voluntary organisation for the first time, some method of selection of drivers should be used. This selection process license is issued. Therefore, it is suggested that there be an application form covering:
 - (1) name
 - (2) address & telephone number
 - (3) drivers' license number
 - (4) date of birth
 - (5) car registration number
 - (6) warrant of fitness
 - (7) expiry date
 - (8) make & model
 - (9) seating capacity
- The applicant should also complete a declaration as to his or her physical health, eyesight defects, any criminal or serious traffic offending or any alcohol or drugs problems or history of mental health/serious behavioural problems. Volunteer drivers should also familiarise themselves with their vehicles and the tasks they are expected to carry out.
- Voluntary drivers should also ensure that their vehicles are insured before using their vehicles for voluntary driving. If unsure, they should contact their insurance company to see if their insurance covers accidents where they are carrying volunteers. The volunteer should agree that the cost of obtaining insurance will not be recoverable from the voluntary organisation and should agree to carry the excess of loss on any policy and any loss of no claims bonus.

Volunteers should also agree to comply with Road Traffic Regulations. The overall scheme of protection is to ensure that reasonable steps and care are taken so that transport services are as safe as those provided by commercial organisations.

ACC AND VOLUNTARY ORGANISATIONS

Voluntary organisations are effected by ACC in the following way. If a volunteer is injured in any way they are not covered by the Act and, she or he may have to sue the voluntary organisation. It appears that voluntary organisations may be liable for injuries caused by volunteers in several instances:

- If a volunteer or a third party suffers personal injury by medical misadventure caused by someone who is a registered health professional, a volunteer or third party could sue; (for example, a volunteer wrongly administering a medicine to a client of the voluntary organisation).
- If a person suffers a battery or assault and there is no physical injury but which caused a mental injury of some kind then this would not be covered by the Act and the volunteer or third party might be able to sue. Battery is the direct and intentional or negligent application of force to the person of another and assault is an intentional or negligent act which causes the plaintiff to apprehend immediate harm, no actual physical harm being necessary.
- If a volunteer has been negligent then the voluntary organisation for which he or she volunteered may also be liable in negligence. Negligence means failing to exhibit in a situation the standard of care that a reasonable person would exhibit in the same situation. If a volunteer negligently caused an injury not covered by the Act, then the voluntary organisation may also be liable in negligence for failing to select volunteers adequately or failing to adequately train and supervise volunteers.

GIVING ADVICE

A Voluntary organisation should also be aware that it could be liable for any negligent advice that is given and take steps to ensure that volunteers have adequate training and expertise before giving advice. Volunteers should be aware of the limits of their skill and experience and should consult somebody more senior if unsure about something.

ACCREDITATION REQUIREMENTS FOR VOLUNTEER SERVICES

Many organisations, particularly in the Health and Disability field, have adopted “Standards”. As the cost of this process is outside the reach of smaller organisation, you should adhere to the following.

Where the organisation uses volunteers, there are documented policies and procedures regarding:

- Confidentiality of information
- Volunteer selection, training, identification, role, supervision, lines of communication and reporting.
- All volunteers have a documented, dated job description which is kept current and which includes specification of responsibilities, job functions and activities and the frequency and process for performance appraisal.
- Where staff members are engaged as volunteers in another role, there are separate job description and performance appraisals.

FURTHER READING

Volunteers A Guide for Volunteers and Their Organisations by Mary Woods

Legal Issues Affecting Voluntary Organisations - Dunedin Volunteer Centre

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