Freedom to Care Act

Scope of duties considerations for
non-profit organizations

Alberta

Required

Freedom to Care Act: Scope of Duties Considerations for Nonprofit Organizations | Ministry of Culture and Status of Women

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Contents

Overview

It's important to help your volunteers have a rewarding and productive volunteer experience. And there are a number of tools and resources available to assist you with this, such as:

- scope of duties – a detailed, clear description of a volunteer's role and responsibilities
- volunteer liability protections – under the *Freedom to Care Act*, volunteers are now protected from liability claims if certain conditions are met
- best practices – developing volunteers' scope of duties, managing their liabilities, and minimizing risks for your non-profit and its volunteer roles

Volunteer responsibilities

At a bare minimum, your non-profit should provide its volunteers with:

- a scope of duties to explain their specific tasks, including:

  - a description of the work/duties they will perform

  - any authorizations, licenses, training or requirements for that work to be completed

  - where, when, how and with whom this work will happen

  - what will be out of scope for their role/duties

Note: The scope of duties can be outlined in a job description or other document, supported by an orientation, and may include supervisory support or a signed agreement between your non-profit and a volunteer.

- the appropriate orientation and training needed to perform their duties

- an awareness of any insurance coverage that may apply to their role

- an awareness of any potential liability risks and how to mitigate them

Liability protections for volunteers

These protections complement and, to a large extent, rely on the scope of duties your non-profit has defined for its volunteers.

Your non-profit needs to ensure its volunteers know that – under the 'volunteer liability protections' in the *Freedom to Care Act* – they could be held personally liable if they:

- do not act in good faith within their scope of duties

- cause harm or damage as a result of:

  - wilful, reckless or criminal misconduct

  - gross negligence

  - operating a motor vehicle

  - being unlawfully impaired by alcohol or drugs when the harm or damage occurred

Best practices

There are several best practices below that your non-profit can use to:

- develop volunteers' scope of duties

- manage volunteers' liabilities

- assess the risks of volunteer roles

- manage risks to your non-profit

The checklist below outlines a number of areas, and associated resources that volunteers and volunteer engaging organizations may consider when managing volunteers, in order to minimize potential liability and support volunteers with a clear understanding of the role and scope of duties.

Disclaimer:

The best practices list is not exhaustive, and there is no expectation that a non-profit must apply them all. The list is provided for your non-profit to consider when engaging its volunteers, as it's best qualified to determine which practices may apply to the specific circumstances of its volunteers and volunteer roles.

Scope of duties and risk assessment of the role

For the broad liability protections under the *Freedom to Care Act* to apply to volunteers, outlining the scope of duties for their roles would be the bare minimum action a non-profit will take. It's recommended that non-profits also do a risk assessment of their volunteers' roles, which may include considerations of insurance coverage which are specific to the roles.

Role description

There is a written role description in place for each volunteer role which includes, at a minimum, the following: tasks, time commitment, length of commitment, skills, qualities and experience needed.

Resources:

- Creating a Job Description: Learning Resource Guide: *Volunteer Alberta* https://volunteeralberta.ab.ca/wp-content/uploads/2015/11/Creating-a-Job-Description-LRG.pdf
- Volunteer Position Description template, Risk Assessment and Policy Considerations: *Volunteer Alberta* https://volunteeralberta.ab.ca/wp-content/uploads/2017/01/Volunteer-Position-Description_TEMPLATE-Legal-Size.pdf
- Developing Job Descriptions of Board Members of Nonprofit Organizations: *Muttart Foundation and Government of Alberta* https://www.alberta.ca/assets/documents/board-development-program-developing-job-descriptions.pdf

Risk assessments

All volunteer roles are assessed for risk. Where possible, volunteers are included in the assessment. Measures are put in place to prevent risk (this may include insurance).

Resources:

- Volunteer Management Handbook: A Resource for Service-Providing Organizations Assisting Newcomers to Canada: *Volunteer Canada* https://volunteer.ca/vdemo/EngagingVolunteers_DOCS/VMH_Eng_2016_Print.pdf
- Volunteer Position Description, Risk Assessment and Policy Considerations: *Volunteer Alberta* https://volunteeralberta.ab.ca/wp-content/uploads/2017/01/Volunteer-Position-Description_TEMPLATE-Legal-Size.pdf
- Canadian Code for Volunteer Involvement: Putting the Code into Action: *Volunteer Canada* https://volunteer.ca/ccvi

- 20 Questions not-for-profit board directors should ask about overseeing management of risk: *Chartered Professional Accountants of Canada* *https://www.cpacanada.ca/en/business-and-accounting-resources/strategy-risk-and-governance/not-for-profit-governance/publications/20-questions-for-nfp-directors-on-risk-management*

- **Risk Management Training:** *IntegralOrg* provides non-profit organizations with training to help understand risk and provide tools and resources to manage organizational risk: https://integralorg.ca/attend-an-event/risk-management-training/

- **Risk Management for Non-Profits:** Community Development Unit offers an Introduction to Board Governance Webinar series that includes a live webinar and recorded content about Risk Management for Non-Profits.

- For more information including how to register for upcoming webinars go to: http://AlbertaCDU.eventbrite.com

- To access the Board Development Program Video series go to: https://www.youtube.com/c/AlbertaCDU/videos

Additional resources

Find more resources on volunteer management considerations and best practices, including insurance considerations, in the sections below.

Stage 1: New or developing volunteer programs

This stage contains 6 suggested elements that are related to scope of duties for new or developing volunteer programs:

Topic	Resources
1.1 Screening There are many considerations for recruiting and screening volunteers to match them with appropriate positions.	• Volunteer Screening Program and Resources: *Volunteer Alberta*: https://volunteeralberta.ab.ca/programs_services_resources/people/volunteer-screening/
1.2 Orientation An orientation checklist is in place. Volunteers participate in orientation within a few days of starting a volunteer role.	• The Screening Handbook: Tools and Resources for the Voluntary Sector: *Public Safety Canada (page 43):* https://volunteer.ca/vdemo/IssuesAndPublicPolicy_DOCS/2012-screening-handbook.pdf
1.3 Volunteer Agreement A volunteer agreement is in place, signed by both volunteer and supervisor.	• Canadian Red Cross: https://www.redcross.ca/crc/documents/Volunteer/lmr_volunteeragreementform.pdf • Volunteer Ireland: https://www.volunteer.ie/wp-content/uploads/2017/08/Volunteer_Agreement.pdf
1.4 Training Volunteers receive general training and role-specific training.	• Volunteer Management Handbook: A Resource for Service-Providing Organizations Assisting Newcomers to Canada (page 14): *Volunteer Canada* https://volunteer.ca/vdemo/EngagingVolunteers_DOCS/VMH_Eng_2016_Print.pdf • Note: The resource above contains broader information on volunteer management and updates to include considerations for assisting newcomers. • Volunteers and the Law in Alberta (2007): *Volunteer Alberta*: https://volunteeralberta.ab.ca/volunteer-screening-program/vsp-education-training/

Topic	Resources
1.5 Support and supervision Dedicated staff/lead volunteers are assigned to managing the volunteer program. Support and supervision guidelines are in place, relevant to each role and provided on a regular basis (for example, one-on-one or in a group).	• Canadian Code for Volunteering Involvement (2017): *Volunteer Canada* https://volunteer.ca/ccvi • Volunteer Management Handbook: A Resource for Service-Providing Organizations Assisting Newcomers to Canada (p. 16): *Volunteer Canada* https://volunteer.ca/vdemo/EngagingVolunteers_DOCS/VMH_Eng_2016_Print.pdf • The Screening Handbook: Tools and Resources for the Voluntary Sector (page 33): *Public Safety Canada* https://volunteer.ca/vdemo/IssuesAndPublicPolicy_DOCS/2012-screening-handbook.pdf
1.6 Volunteer policy There is a volunteer policy in place that is updated as needed and regularly reviewed. Volunteers are given a copy of the policy. The volunteer policy is separate to staff policies.	• Volunteer Position Description, Risk Assessment and Policy Considerations: *Volunteer Alberta* https://volunteeralberta.ab.ca/wp-content/uploads/2017/01/Volunteer-Position-Description_TEMPLATE-Legal-Size.pdf • Volunteer Management Handbook: A Resource for Service-Providing Organizations Assisting Newcomers to Canada (page 8): *Volunteer Canada* https://volunteer.ca/vdemo/EngagingVolunteers_DOCS/VMH_Eng_2016_Print.pdf

Stage 2: Intermediate volunteer management

This stage contains 8 suggested elements that are related to scope of duties for intermediate-level volunteer program management:

Topic	Resources
2.1 Health and safety There is a health and safety policy in place for volunteers. Health and safety training is provided as relevant to the volunteer role.	• Canadian Code for Volunteer Involvement (2017): *Volunteer Canada* https://volunteer.ca/ccvi • Are students and volunteers workers? Occupational health and safety (OHS) information for employers and nonprofit agencies: *Government of Alberta* https://open.alberta.ca/dataset/29873bcd-ff5d-4be3-86b3-bfe2a56bb4a4/resource/4e9a61a1-07da-4933-9dd7-027e4945971b/download/are-volunteers-and-students-workers.pdf • Managing health and safety for volunteers: *Canadian Occupational Safety* https://www.thesafetymag.com/ca/news/opinion/managing-health-and-safety-for-volunteers/187100
2.2 Volunteer information package A volunteer information package is in place and includes the following: organization mission, overview of services, programs and clients, description of volunteer program, overview of volunteer roles, appropriate forms and next steps to volunteer. Volunteers each receive a copy (electronic or paper).	• The Screening Handbook: Tools and Resources for the Voluntary Sector: (p. 29): *Public Safety Canada* https://volunteer.ca/vdemo/IssuesAndPublicPolicy_DOCS/2012-screening-handbook.pdf

Topic	Resources
2.3 Staff job descriptions Staff job descriptions state which staff members will supervise and manage volunteers – and how the staff will do this.	• How to supervise volunteers: *Desjardins* https://www.desjardins.com/ca/co-opme/business/tip-sheets/how-supervise-volunteers/index.jsp
2.4 Insurance Volunteers and all volunteer activities are covered under the non-profit's insurance policy. A statement to this effect is included in the volunteer policy.	• Canadian Code for Volunteer Involvement: Putting the Code into Action: *Volunteer Canada* https://volunteer.ca/ccvi
2.5 Complaints Volunteers are able to give feedback. There is a complaints procedure; this is communicated to volunteers through the volunteer policy and in a variety of other ways.	• Complaints Policy and Procedure: *Imagine Canada* https://www.imaginecanada.ca/sites/default/files/2019-09/complaints_policy_en.pdf • Canadian Code for Volunteer Involvement: Putting the Code into Action: *Volunteer Canada* https://volunteer.ca/ccvi • Complaints Policy and Procedures: *Volunteer Ireland* https://www.volunteer.ie/wp-content/uploads/2018/11/Policy_Complaints_Final-11-Sept-2018.pdf
2.6 Probationary period All volunteers are provided with a probationary period to ensure both parties are satisfied with the volunteering arrangement; this is communicated to volunteers when starting in their role. The volunteer is provided with performance feedback.	• The Screening Handbook: Tools and Resources for the Voluntary Sector (page 56): *Public Safety Canada* https://volunteer.ca/vdemo/IssuesAndPublicPolicy_DOCS/2012-screening-handbook.pdf
2.7 Boundaries (avoiding boundary confusion and conflict) The boundaries between staff and volunteers are clarified in a volunteer policy, volunteer agreement, etc.	• The Wide Gray Lines – Managing Volunteer Boundaries: *Charity Village* https://charityvillage.com/the_wide_gray_lines_managing_volunteer_boundaries/ • Canadian Code for Volunteer Involvement: Putting the Code into Action: *Volunteer Canada* https://volunteer.ca/ccvi
2.8 Communications Volunteers are kept up-to-date with information relevant to their role through formal/informal communications, such as newsletters, email lists, website, etc.	• Canadian Code for Volunteer Involvement – Audit Tool (Communications Planning section) : *Volunteer Alberta* https://volunteeralberta.ab.ca/wp-content/uploads/2017/06/CCVI-audit-tool.pdf

Stage 3: Advanced volunteer management

This stage contains 3 suggested elements that are related to scope of duties for advanced volunteer management:

Topic	Resources
3.1 Staff/key volunteers trained in volunteer management Staff or key/lead volunteers with responsibility for supervising volunteers on a day-to-day basis have received volunteer management training.	• Volunteer Management: *Volunteer Canada* https://volunteer.ca/index.php?MenuItemID=338 • Volunteer Management Handbook: A Resource for Service-Providing Organizations Assisting Newcomers to Canada: *Volunteer Canada* https://volunteer.ca/vdemo/EngagingVolunteers_DOCS/VMH_Eng_2016_Print.pdf •
3.2 Volunteer handbook There is a volunteer handbook in place to provide volunteers with information about the organization and being a volunteer. It generally includes policies relevant to volunteers while they are volunteering.	• Volunteer Handbook: A convenient reference tool for community groups: *Volunteer Leduc* https://www.leduc.ca/sites/default/files/Volunteer%20Handbook.pdf
3.3 Refusal of demands Volunteers are aware they can refuse to carry out work outside of their role, that they do not have the skills to carry out, that seems unreasonable or for any reason (for example, they simply don't want to).	

Legal questions around liability

Overall, key resource to support legal questions around liability:

Resource:
Getting Professional Legal Help for your Board: *Muttart Foundation.* https://muttart.org/wp-content/uploads/2020/03/Getting-Professional-Legal-Help-For-Your-Board-2020.pdf