

VOLUNTEER OR EMPLOYEE?



5 Key Traits of a Successful Volunteer

- ✓ Passion
- ✓ Reliability
- ✓ Integrity
- ✓ Team Player
- ✓ Energy

Many valuable services provided the public and non-profit sector simply would not occur without the troops of dedicated volunteers whose labour provides these services. There is usually no difference in the volunteers' results – but the entity saves the funds needed for paid work. (This method increases the number of and variety of services provided!) Technically the definition of "employee" in employment standards' acts vary considerably. It is important to avoid blurring the roles of employee/volunteer as doing so can lead to unexpected risks.

All jurisdictions have some type of employment law intended to protect employees from would-be dodgy employers. Volunteers commonly do not have similar employment standards protection.

Human nature being what it is, even great relationships can deteriorate for any valid, unintended or petty reasons. If a volunteer should decide that he/she is actually an unpaid employee and find that governing employment legislation supports their case the "employer" could find itself facing financial liability for substantial costs. These costs may include: past wages, employee benefits expenses, holiday pay, termination pay, unpaid taxes and so on. Workers' compensation and other legislation may also be found to apply. Even successfully defending this type of claim can lead to substantial costs in time and money.

Always remember that the onus is on the entity to make sure that volunteer positions meet generally accepted criteria that define it as voluntary. For example, some typical practices include:

- volunteer positions that contain learning/socializing opportunities and enjoyable work,
- working flexible, mutually-agreeable, schedules,
- key volunteer tasks that are unlike those performed by an employee, and
- no suggestion of the potential for employment following completion of volunteer work.

While no process or procedure is fail-safe, they can be valuable in the event of a disagreement. You can lessen the chance that a volunteer may be found to actually be an employee by implementing a few simple procedures. Some typical procedures include:

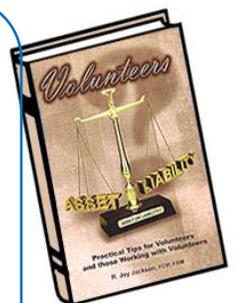
1. **Documenting** the relationship with each volunteer when they come on board. A welcoming letter given each person when they are engaged can set out the relationship. In it, you can describe the volunteer's role along with a list of the duties, reporting relationship, etc. Ideally the volunteer would sign one copy accepting their duties and responsibilities'. When you engage a large number of individuals at one time, this may be accomplished by an email exchange in which the work is offered, described and accepted by a return email.
2. **Clearly distinguish** between employee and volunteer work. Always avoid having volunteers perform any type of work usually performed by employees. This is especially important upon transfer of work that was formerly paid to volunteers.
3. **Separate employees and volunteers.** Ensure roles and task descriptions are separate and distinct. In some cases, employees want to provide voluntary support for special projects or events. Clearly set out in writing under what circumstance this may take place.
4. **Steer clear of** any suggestion that the volunteer is an employee. Avoid providing any benefits to volunteers. (Reimbursement of out-of-pocket expenses is an exception.) Refuse to provide volunteers with an official-sounding title. When a title is necessary, ensure it includes 'volunteer' in the title, on a business card, any website reference or written document.
5. **Keep the work voluntary.** Volunteers have the privilege of declining undesirable work. Directing a volunteer to do work they have declined blurs the distinction between employee and volunteer. Individual volunteers may turn down an assignment; when this occurs document the date and nature of the work in their volunteer file.

Conclusion

Just a few simple procedures like these will help you reduce the likelihood of being found liable of having employees you never expected.

Volunteers: Asset or Liability? Some people think they are an asset – others see volunteers as liabilities. Which one of these thinkers are you? This handy reference manual shows you how they may be both – and how you can leverage their efforts to swing the balance in your favour. This book will help you save time and money by establishing more efficient, effective management strategies. To order visit ...

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