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Volunteers
and Non-profits
in Quebec

**RESPONSIBILITIES
AND BEST PRACTICES**



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INFORMATION EMPOWERS





Setting
the
Scene

You're in charge of a non-profit organization and volunteers are an important part of your human resources.

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- registered charities
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This pamphlet is up to date to February 25, 2019.

It has general information only. The information applies only in Quebec. If you need legal advice on a specific situation, consult a lawyer or notary.

Volunteers are not employees, but . . .

Volunteers are not employees because they aren't paid for the work they do. But it's a good idea to use the same best practices for your volunteers as you use for your employees.

Responsibility

Even though volunteers are not employees, you have a legal relationship with them, called a contract for volunteer services. Both you and your volunteers must respect the contract.

Non-profits have a duty of care towards their clients and volunteers. You must take all reasonable precautions to prevent harm to your clients, your volunteers and others. If not, your organization can be responsible for harm, such as injuries or financial damage, caused by your volunteers while carrying out their tasks. It could also be responsible for harm your volunteers suffer.

Here are examples:

- A non-profit didn't do a police check before taking on a volunteer to work with children. The volunteer was a convicted pedophile and sexually assaulted one of the children. The court said the non-profit was responsible for not properly screening the volunteer.

- A volunteer could be injured by a client known to be violent. If you haven't trained the volunteer to handle such clients, your organization might be responsible for the volunteer's injuries.

CNESST and Insurance

Check whether your organization's insurance covers both harm suffered by your volunteers and harm they might cause others.

Volunteers are not automatically covered by the CNESST insurance plan for accidents and illnesses in the workplace. This is the government plan for employees in Quebec. But you can ask that they be covered by filing a special form each year and paying any required fee. The form is available in French on the CNESST website.

Recruiting and Training Volunteers

Recruit and screen your volunteers as carefully as you do your employees. In some cases, you might want to do a police check (see Police checks section).

Also train and supervise your volunteers so they know exactly what their duties are and the rules they must follow.

Use job descriptions and have a handbook of your organization's policies and procedures.

Volunteer Canada, which provides leadership and expertise on volunteerism in Canada, recommends having your volunteers sign a volunteer agreement setting out these things:

- volunteers' duties
- what they're allowed and not allowed to do
- expected standards of conduct
- policies and procedures they must follow
- confidentiality clause to protect client information

A handy brochure called "10 Steps of Screening" and a more detailed "Screening Handbook" are available at www.volunteer.ca.

Police Checks

Depending on what your volunteers will do and possible risks to your clients and others, you might want to do a police check.

For example, if the volunteer will be dealing with children, it's important to know if the volunteer has a history of sexual offences. If the volunteer will be driving people to medical appointments, driving offences are relevant. If the volunteer will be providing services in clients' homes, a history of theft is relevant.

You must have the person's permission to do a police check and keep the results confidential.

Before requesting a check, decide what information you need and tell police what the volunteer will do so they can tailor the check to meet your needs.

There are two kinds of police checks:

- police record check to check for crimes or violations of provincial laws
- vulnerable sector check to check for sexual offences

Volunteer Canada recommends doing a vulnerable sector check if

- your organization serves children under 18 or vulnerable people, and
- the volunteer will be in a position of trust or authority towards them.

A vulnerable person is someone dependent on others or at risk of harm by someone in a position of trust or authority, such as a sports coach.

Contact the police service that serves your area to request a police check. Use the search tool (French only) at www.securitepublique.gouv.qc.ca. Click on Police et prévention and then choose Bottin des services de police.

Canadian Code for Volunteer Involvement

Volunteer Canada created the Canadian Code for Volunteer Involvement. It's not a law but has useful information for non-profits. Visit www.volunteer.ca.