



Rights & Responsibilities Volunteering during Covid-19

The Volunteer

The Organisation

Safety

Health and safety during Covid-19 is paramount. Please follow the HSE guidelines closely and familiarise yourself with the Volunteering Safely During COVID-19 policy available [here]. If you feel unwell or develop any symptoms of Covid-19, or if you have had close contact with someone who is displaying symptoms of Covid-19, you should stop volunteering immediately and contact your appointed supervisor.

In a role where Garda vetting is required you must provide the necessary vetting information directly to the organisation and obtain clearance before volunteering.

During the pandemic a volunteer role description will clarify the expectations of both parties in relation to length of time commitment, confidentiality, attendance at training and adherence to the organisation's policies and procedures.

Volunteer organisations like other employers, have a general duty under the Safety, Health and Welfare at Work Act 2005 to protect volunteers. Stress management and mental wellbeing should be a central focus and volunteers should be aware that they can and should withdraw from volunteering where they feel ill-equipped to cope.

Volunteer organisations should familiarise themselves and volunteers with the HSE guidelines around Covid-19 interactions and volunteers should not be exposed to risks to their physical or mental safety, health or welfare.

Volunteers should be aware of the scope of their role; who their point of contact is within the organisation; that they must follow the HSE Covid-19 guidelines and withdraw from volunteering if they fall ill or come into close contact with someone displaying Covid-19 symptoms.

Training

As part of a comprehensive health and safety induction, training which is appropriate to the volunteering role should be provided by the volunteer organisation. This is necessary to enable the volunteer to volunteer safely and equally protects the safety of the service recipients.

Volunteer organisations should provide appropriate training to promote a safe volunteering experience and enable volunteers to act within the scope of their defined role. This will mitigate against the risk to volunteer organisations of liability for acts done by volunteers outside the scope of their role.

Communication

In a Covid-19 volunteering role you must keep the lines of communication open with your volunteer supervisor and keep them informed of your mental and physical wellbeing and any other information relevant to your volunteering tasks.

The organisation should maintain open lines of communication with volunteers and make a conscious effort to keep track of their physical and mental wellbeing. Any volunteer who presents with Covid-19 symptoms should withdraw from volunteering.

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Liability

Volunteers engaged by a voluntary organisation are statutorily protected from personal liability for negligence. However, a volunteer may be personally liable if acting in bad faith, with gross negligence or outside the scope of the volunteering tasks assigned to the volunteer. Volunteers should make sure that they understand the scope of their role and assigned tasks, who is instructing/supervising them and seek confirmation that they have received all the appropriate training.

Volunteer organisations should ensure that the volunteers helping them are clear about: the scope of their role and assigned tasks; who is instructing/supervising them; and that volunteers have received all the appropriate training.

A volunteer organisation may be found to owe a duty of care to a volunteer or other third party where they suffer damage as a result of a volunteering situation where the court thinks it would be just and reasonable for the liability to arise.

With respect to vicarious liability for actions of volunteers the position in Ireland remains unclear. Volunteer organisations should ideally seek adequate insurance to protect them from exposure and communicate increased or expanded activity to their insurers to ensure continued cover.

Obligation to attend

As volunteering is not the same as an employment relationship there is no obligation to attend a volunteering role if your circumstances change or if the situation has become too stressful. You may withdraw at any time. Equally, there is no obligation on an organisation to provide you with an opportunity to volunteer and you can be asked to stop volunteering at any time and without notice.

A volunteer is not an employee and consequently there is no obligation for them to continue in a volunteering role. Equally there is no notice period applicable to a volunteering arrangement and volunteers can be asked to stop volunteering with immediate effect.

If you feel unwell or develop any symptoms of Covid-19, or if you have had close contact with someone who is displaying symptoms of Covid-19, you should stop volunteering immediately and contact your appointed supervisor.

Insurance

Whether or not you are covered by insurance depends on the insurance cover offered by the volunteer organisation or your employer if you volunteer in a corporate capacity. Typically an employer's insurance policy will not cover volunteering activities. Volunteers who are participating in corporate volunteering should confirm with their employer whether their employer's insurances extend to the volunteering activities.

A volunteer organisation should ideally have adequate public liability insurance in place to cover against potential exposure for acts done by their volunteers and incidents on site.

Please note: This document is a general summary of developments prepared on 3 April 2020 and is not a complete or definitive statement of the law. Specific legal advice should be obtained where appropriate.