

Human Resources Procedures/Guidelines
Volunteer and Placement Guidelines
Category: Volunteers and Placements

Purpose

The purpose of these guidelines is to provide information about issues relating to the use of individuals who perform services for the City of Toronto as volunteers or in placement situations. The guidelines are intended to clarify roles and responsibilities and define lines of communication and accountability.

Note: Most of the following guidelines apply to volunteers and those who work in placements but in some cases the guidelines refer to volunteers only or those who work in placements only.

Definitions.

Volunteer: An individual who provides services to the City without compensation.

Placement: A temporary work assignment performed by an individual, without compensation:

- as part of a school/college/university program
- as part of a social agency program for the purpose of workplace exposure

Principles.

Volunteers and those who work in placements:

- have distinct but complementary roles from paid employees
- are not recruited to replace or displace paid employees
- do not work as part-time paid staff equivalents
- are not deployed to replace paid employees during labour disputes

Standards.

- The program has clear objectives and involves the individuals in meaningful ways
- Recruitment and selection may come from a variety of recognised sources and databanks (i.e. colleges, universities, social agencies and includes outreach to diverse sources within the community)
- Individuals receive an orientation to the division, its policies and procedures, and receive appropriate training for their participation
- Individuals receive adequate levels of supervision according to their participation and are given regular opportunities for feedback
- Individuals are welcomed and treated as valuable

General Legal Framework.

The following are some of the identified legal and policy issues that affect the management of volunteers and those who work on placements.

Employment Standards Act

As these individuals are not paid wages, remuneration, salary, payment or any employee benefits there is no employment relationship and they are not considered as employees for purposes of this Act.

However, the Employment Standards Act does apply to a person receiving training from an employer if that employer trains its employees in the same skills, unless all the criteria below are met. These are:

1. The training is similar to that of a vocational school
2. The training is for the benefit of the individual
3. The person providing the training derives little, if any, benefit from the activity of the individual while he or she is being trained
4. The individual does not displace employees of the person providing the training

5. The individual is not accorded the right to become an employee of the person providing the training
6. The individual is advised that he or she will receive no remuneration for the time that he or she spends in training. Note: there may be some exceptions where volunteers receive nominal honorariums

Municipal Freedom of Information and Protection of Privacy Act

The Municipal Freedom of Information and Protection of Privacy Act (the Act) gives individuals the right to request access to municipal government information, including general records and records containing their own personal information.

The Act also provides for the protection of individual privacy by establishing standards for the collection, use and disclosure of personal information. Records containing personal information must be retained and disposed of in accordance with the Act. The above privacy provisions govern any personal information collected by the City about its volunteers and student placements.

Volunteers or student placements are required to comply with the Act in the performance of their duties. Those who supervise volunteers or individuals in placements must provide relevant information about the Act prior to placement.

All documentation relating to a division's volunteer program must be stored in locked filing cabinets with restricted access. Personal information that has been used by an institution must be retained for a minimum period of one year after use, or for a period of time as outlined in other statutes (e.g. City of Toronto Retention Bylaw, legislation).

Divisions are encouraged to consult with their division's records manager to discuss records retention/destruction scheduling issues.

Ontario Human Rights Code

The Ontario Human Rights Commission has taken the position, supported by case law, that volunteers and those who work on placements must be accorded the same protections under the Code as are provided for paid employees. Specifically they are accorded freedom from discrimination in employment. Subsection 5(1) of the *Human Rights Code* provides that *'every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability.'*

Volunteers and those who work on placements must also be advised of the City's Human Rights and Harassment and Hate Activity policies.

Occupational Health and Safety Act

The provisions of the Occupational Health & Safety Act (the Act) apply to persons who perform work or supply services for monetary compensation "i.e. workers". The Act and its regulations have limited provisions applicable to "persons", including volunteers and those who work in placements. One provision of the Act and its regulations that apply to "persons" is that related to the reporting requirements for critical injuries or fatalities.

The minimum age is 14 years for volunteers and those who are on placements for the majority of City work environments. However the minimum age is 16 years in any City worksite that could be considered a factory under the Occupational Health & Safety Act. This information should appear on all application forms and relevant materials. **It is also essential that volunteers and those who work in placements receive health and safety training to the extent needed to ensure they are aware of hazards to which they may be exposed and the means of protecting themselves from such hazards.**

Workplace Safety and Insurance Act

The Workers Safety and Insurance Board (WSIB) looks at the terms under which individuals have entered into the volunteer relationship to determine if benefits are appropriate. If individuals are doing the volunteer work out of a sense of civic pride, for community or charitable purposes, they are not covered. Consequently, the City cannot apply for Workplace Safety & Insurance benefits for its volunteers. This statement should appear on all application forms and relevant material for volunteers.

When trainees are in placements authorised by a training agency (e.g. educational institution, organization that arranges vocational training, etc), the City (as the placement host) is responsible for the WSIB insurance costs of

the trainee, unless:

- the training agency has elected to be considered the employer of the trainee during the placement, or
- the training program is government funded

Note: Placements are situations where schools, colleges or universities participate in prearranged programs with City divisions.

Before a placement begins, City representatives considering the placement must contact the training agency or educational institution to determine which agency or organisation is responsible for WSIB costs for the trainee, in the event of a workplace injury or illness. City representatives must obtain confirmation, in writing, that the training agency, educational institution or government is responsible for any WSIB costs of the trainee, and ensure that the relevant form (e.g. Work/Education Placement Agreement or Post Secondary Form) is signed by the student and training agency/school, and the City.

It is essential to recognise that if no such agreement is in place that the City will be considered the employer of the trainee and, in the event of a workplace injury or illness, will be responsible for WSIB insurance costs. It is therefore important that, before accepting the trainee, the division considers whether the benefit derived from the placement is expected to exceed the risk of injury and subsequent costs.

Note: In accordance with WSIB operational policy, benefit responsibility automatically falls to the placement host if the placement lasts longer than 120 days; this occurs even if there is an agreement with the training agency that it will be responsible for any WSIB costs. It is recommended that the City enter into an agreement with the placement/training agency for indemnification of the City for any WSIB costs.

The City cannot enter into similar agreements with volunteers and placement students themselves, as the City cannot legally require the person for whom the WSIB insurance is intended to indemnify the City for the insurance costs should that individual be injured in the course of their work for the City.

If a volunteer is not eligible for WSIB benefits, the volunteer could still take civil action against the City for any damages incurred in a workplace accident. For instance, if a volunteer is injured as a result of the actions of City employees, the volunteer may file a claim for damages.

If a division has any questions or concerns about workers' safety and insurance issues, its representative should use the HR disability management consultant as a resource in discussion of specific placements.

Criminal Code

Volunteers and those who work in placements are subject to the Criminal Code. Anyone, who commits a crime in the course of his or her activities with the City of Toronto, may be prosecuted for that offence.

Conflict of Interest

Volunteers and those who work on placements must follow the Conflict of Interest policy; the policy should be distributed and explained to them during their orientation.

City of Toronto Collective Agreements

CUPE Local 416, CUPE Local 79 Full-time and CUPE Local 79 Part-time B agreements all state:

“Nothing in the foregoing shall be deemed to prohibit the City from using volunteers provided such volunteers do not perform bargaining unit work and shall not displace any bargaining unit employee.”

CUPE Local 79 Recreation Workers' Unit states:

“Nothing in the foregoing shall be deemed to prohibit the City from using volunteers provided such volunteers shall not displace any bargaining unit employee”

CUPE Local 79 Homes for the Aged Part-time Unit states:

“Nothing in the Collective Agreement shall be deemed to prohibit the City from participating in student training programs or the involvement of volunteers providing such participation and involvement would not displace employees.”

Procedural Guidelines

When divisions/sections use volunteers or individuals in placements they need to address the following issues:

- roles and activities (ensuring that such individuals are not used to undertake functions or activities that must be performed by unionised staff)
- hours of placement and location
- recruitment and screening, including reference and police reference checks, as appropriate
- ongoing training & feedback
- recognition and appreciation
- maintenance of records
- orientation to workforce policies, health and safety procedures

Legal Liability of City for Harm done by a Volunteer or Individual in a Placement

The City is potentially liable for harm done by such individuals to others in the course of their work for the City. The fact that these individuals, rather than paid staff, may have caused harm does not insulate or protect the City from potential liability. The City maintains liability insurance to protect the City and the volunteer from third party bodily injury or property damage that may result from the volunteer's performance of services and activities for the City of Toronto.

Individuals with placements at the City may not have the same coverage under the City's insurance policy as a volunteer will have. Divisions should discuss with the placement agency or educational institution, whether each potential placement has a separate insurance policy in place or whether there are other relevant agreements that should be considered.

Legal Liability of City for Harm done to a Volunteer

Volunteers are not eligible for workers' compensation. The City could potentially be held liable for harm done to, or injuries suffered by, volunteers during the course of their work for the City.

The same measures undertaken to protect others from harm caused **by** volunteers are required to protect volunteers **from** harm:

- careful assessments of all relevant factors, including risk, in the design of assignments
- thorough and appropriate screening of applicants for assignments
- appropriate orientation, training, supervision, and evaluation

All volunteers must sign a Volunteer/Placement Agreement/Release and Waiver form, which outlines their obligations and the City's in terms of the protection of their own safety. See *Appendix 2*.

The City of Toronto maintains liability insurance to protect the City and the volunteer from third party bodily injury or property damage that might result from the volunteer's performance of services and activities for the City of Toronto.

Legal Services and the Insurance & Risk Management section of Corporate Finance should be consulted on a case by case basis should any questions arise pertaining to the matter of liability coverage.

Accidental Death & Dismemberment (AD&D) Insurance, Personal Accident, Disability Insurance

The City of Toronto does not provide AD & D, Personal Accident or Disability insurance, which would offer protection if a volunteer were to be injured or harmed in the course of his or her work with the City. In addition, worker's compensation benefits are not available to people who are injured in the course of doing volunteer work. If a volunteer is injured in the course of doing authorised work in an approved assignment, the City may reimburse the volunteer for out-of-pocket expenses. Volunteers may have private, individual disability insurance that provide benefits in such a situation or may be eligible for Disability Benefits under the Canada Pension Plan.

Automobile Insurance

The rules regarding automobile insurance have been legislated by the Province of Ontario.

The City recommends that volunteers or those who work in placements not be required or requested to drive their own vehicles in the performance of services to the City. If driving is unavoidable, the supervisor must ask the volunteer/placement to demonstrate that he/she carries Standard Automobile Liability Insurance in an amount not less than \$1 million per occurrence and that his/her driver's licence is in good standing. Driver's licence information is contained in a driving record (Driver's Abstract), which can be obtained directly from the Ministry of Transportation or by the City of Toronto, Fleet Services Division, with the permission of the volunteer/placement. See *Appendix 5*.

Operating Principles for Use of Volunteers.

Note: Employee and Labour Relations should be consulted before volunteers are brought into a service area where they have never been used before, or if they are performing volunteer work which is similar to the duties of bargaining unit employees.

Creation of Specific Volunteer Assignments

Volunteers should be recruited for specific, carefully designed and interesting assignments that are meaningful to volunteers and complement and enhance the delivery of services and programs to its residents. The best assignments will be those that further the goals of the City while developing volunteers' interests and provide them with opportunities to grow and develop and make meaningful contributions.

Recruitment and Selection of Volunteers

The City has the right and the obligation to recruit, screen and select volunteers very carefully, choosing appropriate volunteers who meet the essential requirements of specific assignments.

Benefits and Responsibilities of Volunteers and Those Who Work in Placements.

A City of Toronto volunteer and individual working in a placement will be accorded the following benefits:

- to have a well designed, meaningful assignment that addresses the needs of the City and the individual
- to participate in decisions affecting his or her assignment, wherever possible
- to expect that the supports and resources required to fulfil the assignment will be provided
- to expect that direction, support, monitoring, and evaluation will be clear and consistent
- to have appropriate information, orientation, evaluation and health and safety training
- to be recognised and appreciated for his or her efforts

A City of Toronto volunteer and individual working in a placement has the following responsibilities:

- to become aware of and abide by City standards, guidelines, policies
- to keep in confidence all information acquired and not to disclose personal, privileged, or proprietary information
- to follow directions and respond to feedback
- to act within the boundaries and parameters of the volunteer/placement assignment
- to keep commitments of time and participation
- to participate in relevant orientation and training sessions

Roles and Responsibilities.

Reporting Function

It is advisable that a volunteer and individual working in a placement reports to a specific (staff) supervisor or supervisors. That staff member will be responsible for any divisional files and ensure that the individual receives adequate orientation and training before the start of the assignment.

Responsibilities of Divisional Co-ordinators of Volunteer/Placement Intake and Screening:

- assists staff in completing requests for volunteer/placement assistance
- assists in the design of the assignment description
- interviews, checks references and make final selections of the volunteer/placement for the appropriate assignment
- initiates divisional file on volunteer/placement
- ensures that the volunteer or individual in the placement has read, understood and signed all the required documentation

Note: These responsibilities may differ for divisions that use placement students from a secondary or post secondary institution. Divisional staff work with faculty members to negotiate placements and activities with the staff responsible for the students.

Orientation and Training

Supervisors are responsible for providing adequate orientation and training of volunteers/placements to the specific work site so that they understand the boundaries of their participation.

Management of Volunteers and those Who Work in Placements

Supervisors are responsible for:

- ensuring that volunteers and those who work in placements have been given adequate information on policies, procedures, and practices and monitoring their compliance
- providing ongoing support, monitoring, evaluation and advocacy
- providing ongoing and periodic recognition of the volunteers and those who work in placements
- providing guidance and support to resolve any conflicts that may arise in the work environment

Volunteer/Placement Policies and Procedures

- City volunteers and those who work in placements are not to be used to undertake any function or activities that are performed by City employees. Volunteers and those who work in placements do not replace, displace or substitute for staff
- City volunteers and those who work in placements are not permitted to operate City vehicles or machinery
- City volunteers and those who work in placements are to be supervised by a City employee at all times. If the supervisor is not present he/she should be available in the same location or accessible by telephone

Application Forms

All volunteers and those who work in placements are required to sign a Volunteer/Placement Application Form certifying that they have read and will comply with terms and conditions, before the start of their volunteer/placement service. See Appendix 1.

Assignment Descriptions

Divisions who use volunteers or individuals in placement are responsible for developing assignment descriptions. Volunteer/placement assignment descriptions are to be in place for every volunteer/placement assignment. Volunteers and those who work in placements will be given the assignment descriptions before the placements begin and should be familiar with their assignments and supported so that they can quickly become comfortable in the duties assigned. Assignment descriptions state both volunteer/placement responsibilities and describe situations that require the consent of their immediate supervisors. The assignment descriptions are reviewed and updated as required.

Screening

It is advisable that:

- All volunteers and those who work in placements be screened before service begins. Screening is an ongoing process and is in place to protect the corporation, the staff, volunteers and those who work in placements. Copies of all screening procedures will be documented and placed on the individual's divisional file
- Divisions designate a staff person to conduct interviews. Personal interviews form part of the screening process – to determine the candidate's suitability, to discuss the nature of his/her participation, to assess the match, and to determine area of interest and skills
- Each prospective volunteer supplies a minimum of two references. Immediate family members and friends are not considered as appropriate referees
- A signed consent form is required from the prospective volunteer giving the City permission to contact references, See Appendix 4
- Once the volunteer or individual working in a placement is accepted, an orientation session specific to the operating division should be held to further explain policies and procedures

Note: Where divisions use placement students many aspects of screening noted above are undertaken by the educational institution before the students are placed with the City.

Police Reference Check

A Police Reference Check may be required for volunteers and those who work in placements where their

primary responsibilities require direct contact with children or vulnerable adults and where Police Reference Checks are authorized by Council. The assignment descriptions will indicate the requirement for a Police Reference Check. In situations where Police Reference Checks are required for volunteers and those who work in placements, the prospective candidates must be advised of the reason for the check and that it is a condition of their appointment. Where there is a cost, the City pays the cost of the Police Reference Check.

Where a Police Reference Check is required, it is obtained in accordance with divisional guidelines and procedures, before volunteers and those who work in placements begin their assignments. A successful check must be documented on the volunteer/placement file.

Appointment(s) are confirmed following successful completion of a Police Reference Check (no findings). In circumstances where the City is advised of "findings" on the volunteer/placement, they may wish not to proceed at that time.

Medical Clearance

Some placements require volunteers to be tested for Tuberculosis and be inoculated against certain communicable diseases such as Hepatitis B and the flu for health and safety reasons. This may apply to volunteers considered for placements only in specific areas (e.g. Homes for the Aged, Emergency Medical Services, Children's Services).

Volunteers/Placements Divisional File

A primary file is kept for each volunteer/placement at the local worksite. Accurate records shall be kept in either locked cabinets or locked rooms according to records management policies, procedures and standards. Information to be retained on file shall be:

- Volunteer/placement application form
- Consent form to obtain reference checks
- Reference checks
- Resume (if provided)
- Letter received by the designated Police Reference Check City contacts advising that the check was conducted and there are "No findings"
- Medical clearance
- Placement information
- Evaluations and feedback forms
- Other pertinent information

Individuals may make a request to examine the contents of their own file at the site location.

Management of Resources.

Photo Identification/Access Card

It is recommended that all volunteers and those who work in placements who are on City premises for more than three months be issued with a City of Toronto identification or access card, (a temporary card can be issued for less than three months). Individuals should wear their cards at all times while undertaking service for the City. These cards remain the property of the City and must be returned when volunteers and those who work in placements complete their assignments. When a volunteer or individual in a placement leaves, the supervisor retrieves the City of Toronto identification or access card and any other City property.

Resolution of Difficulties

If volunteers or those who work in placements have difficulties or problems with their assignment or with any other aspect of work, they should speak directly to their supervisors.

Performance Issues

When a division uses placement students from a school, college or university the division usually has a contract with the educational institution. That contract outlines the goals that students are expected to achieve and the educational institution imposes consequences if goals are not met. A similar contract may exist between a social agency and a division for its placements.

Supervisors are responsible for discussing performance issues as they arise and assisting volunteers and those

who work in placements to improve their performance where necessary. Volunteers may be asked to leave if their performance is considered unsatisfactory. If there are concerns about the performance of those who work in placements, discussions should be held with the sponsoring educational or social agency.

Volunteer Departure

Volunteers may leave their volunteer assignment with the City of Toronto at anytime. Volunteers are requested to provide advance notice of their departure and a reason for their decision to their immediate supervisors. The supervisor may wish to conduct an exit interview with the volunteer to confirm reasons for his/her departure, to ask for feedback about the volunteer assignment, to identify any areas of concerns or issues that may improve volunteer services in order to retain volunteers.

Recognition of the Services of Volunteers

Informal recognition should be conducted on an ongoing basis by all staff in contact with volunteers.

Access to Equipment

Volunteers and those who work in placements may have access to various pieces of corporate equipment in the performance of their duties. All equipment is to remain on site and not to be removed, unless the supervisor has granted approval.

Approved by.

Human Resources

Date Approved.

February 14, 2008 ...

Related Information.

Appendix 1 - Volunteer Application form.doc

Appendix 2 - Volunteer-Placement Agreement-Release and Waiver form .doc

Appendix 3 - Volunteer-Placement Emergency Contact Information form.doc

Appendix 4 - Volunteer-Placement Reference Consent.doc

Appendix 5 - Consent to Obtain Drivers Abstract Information.doc