

# Frequently Asked Questions

## Volunteers

Healthcare organizations rely heavily on volunteers to support various activities and functions. It is important that organizations take appropriate steps to manage risks involved in utilizing volunteer services while realizing the greatest value from their service. The following frequently asked questions and answers provide insurance and risk management information related to volunteers.

Please note that various provisions in the HIROC policy contain restrictions related to volunteers. Read the entire policy wording carefully to determine rights, duties and what is and is not covered for volunteers. This document contains a brief description of the volunteer coverage. In the event of a claim, the insurance policy and its terms and conditions will apply.

### **Q Are volunteers covered under HIROC's liability policy?**

**A** Yes. Volunteers, including the volunteers' board, are covered as Additional Insureds under HIROC's Composite Healthcare Insurance Policy.

### **Q What sections of the policy apply to volunteers?**

**A** Volunteers are covered under all sections of the liability policy except for Coverage E, Employee Benefits Liability (as they are not employees) and Coverage F, Errors and Omissions liability. Furthermore, they are covered only for liability arising from work they do for and on behalf of the Subscriber.

While the individual volunteer is not covered under the Errors and Omissions section, the board of directors is.

### **Q Are volunteers covered for activities performed outside of the Subscriber's premises?**

**A** Volunteer coverage is not restricted to a site or location. All activities performed representing the operations of the Subscriber will be covered regardless of where it is performed (e.g. shopping mall, school, etc.) subject to the provisions of the Territorial Limitation Clause.

### **Q What exclusions apply to volunteers?**

**A** All exclusions in the policy apply to volunteers, including, but not limited to, deliberate acts, fraudulent acts, criminal acts, etc.

**Q Will the Policy cover any losses associated with personal vehicles that are used for volunteer services on behalf of the Subscribers?**

**A** Not entirely. Losses will be covered first by the individual's own automobile policy. When the owner's auto liability limit is exhausted, the non-owned automobile liability section of the Subscriber's HIROC policy may cover the excess expense associated with an auto claim, subject to the limit purchased by the Subscriber.

**Q Should criminal reference checks be carried out for all volunteers prior to working on the Subscriber's behalf?**

**A** This is recommended. According to the Canadian Code for Volunteer Involvement, any organization that provides programs for children or other vulnerable people has a moral, ethical and legal duty to protect the participants (e.g. patients/clients/residents) in their program. Due to this "duty of care" obligation, a multiple step screening process which includes a criminal reference check is recommended.

**Q Our clinical program utilizes volunteers who are both regulated and unregulated health professionals. What is the obligation of the Subscriber?**

**A** Volunteers assisting with low-risk or minor patient care tasks such as bathing, feeding and transporting patients, transporting specimens, delivering medication (to and from pharmacy), etc. may pose risks to both patients as well as Subscriber. If, for example, a patient falls off the bed while a volunteer is turning the patient, the safety of the patient is compromised and may result in a legal action against the Subscriber.

If volunteers provide patient care, the Subscriber has a duty to:

- Provide appropriate orientation and training to volunteers related to behavioural and practice expectations.
- Provide ongoing support, and assess volunteer competencies and validate their licensure/registration, good standing with their regulatory body;
- Ensure the patient care provided by the volunteer is documented appropriately in the health record.

**Q Is it necessary for volunteers to be aware of incident reporting?**

**A** Yes. It is recommended that volunteers be aware of and follow the Subscriber's requirements with respect to incident reporting, legal notices, and written or verbal allegations. This should be discussed in the volunteer handbook and during volunteer orientation.

**Q If a volunteer gets injured while working on behalf of the Subscriber, will the liability policy cover the expenses related to the injury?**

**A** No. The HIROC liability policy is a third party contract that protects the Subscriber from allegations of negligence causing injury to a third party or damage to property belonging to a third party. As the volunteer is considered a first party, the HIROC liability policy will not respond when the person is injured while performing work on the Subscriber's behalf.

Please note that the Subscriber can purchase Occupational Accident insurance which provides limited coverage for workplace accidents to volunteers.

### Glossary

**Territorial Limitation Clause:**

The HIROC policy provides insurance against occurrences or accidents happening anywhere in the world, only if the determination of liability and assessment of damages are made in a Canadian court of competent jurisdiction.

### References and Additional Resources:

- HIROC's Composite Healthcare Insurance Policy, Master Policy Number 2013/1, Page 58 (J).
- HIROC's Composite Healthcare Insurance Policy, Master Policy Number 2013/1, Page 60.
- Screening, Volunteer Canada: <http://volunteer.ca/screening>.
- Understanding Criminal Records Checks, Volunteer Canada: <http://volunteer.ca/files/PRCBrochureEng.pdf>.