

Meeting Notes from Tautoko Network Meeting

October 2019

Reviewing Volunteer Agreements

On Tuesday 8 October 2019 we were delighted to have a Tautoko Network meeting around 'reviewing volunteer agreements' facilitated by Community Law. This session was in response to questions that had come up at a presentation earlier this year with Community Law (*Volunteer Checking and Matching - A "Heads Up"*).

Getting the 'wording' right

'Agreement' is a better fit than 'contract'. An agreement, while not as formal as a contract, still has rights/responsibilities for all parties. However, 'contract' is widely used in paid employment agreements. If your organisation is using the word 'contract', make it clear that this is not a paid role by including a statement along the lines of, for example, *'Other than agreed expenses, no payment will be made in relation to this role.'* and/or *'I understand this role is a voluntary one and, other than agreed expense reimbursement, no remuneration is expected or payable for the work undertaken'.*

What should be in a Volunteer Agreement?

1. Name/contact details of volunteer
2. Substance of the volunteer agreement
3. Sign off and dates, including signatures of the volunteer and a representative of the organisation

What goes in 'substance'?

The content of this section is tailored to reflect the role the volunteer will fill so the wording of this section may differ significantly between organisations. Organisations who have multiple roles for volunteers may also have variations in this section, based on the tasks and expectations of the different roles. This section could include details of the role description, the hours and location of work, expectations in terms of behaviour, conduct and dress, dealing with absences, complaints or disputes, confidentiality, intellectual property issues, and so on. A workshop covering this content in more detail will be held in 2020.

If prospective volunteers fill in an application form, do they also need an agreement?

Volunteer application forms are recommended for some, but not all, groups. They are particularly useful in situations where you need to vet or check the eligibility or suitability of a candidate before they are accepted for a volunteer position. A Volunteer Application form allows you to collect the information you need to assess the suitability or qualifications of a potential volunteer. This information may be collected online or in a face to face meeting. Assuming the potential volunteer is suitable, s/he would then be invited to sign a Volunteer Agreement. A 'merger' of the two may work for your organisation.

When should the agreement be signed?

After police checking (if applicable)

Can an agreement be electronically signed?

Yes. If you are using a system whereby volunteers, for example, 'tick' a box that they agree to the conditions of the agreement, it is important that the 'date' is populated. This helps to ensure you have a record which shows when the agreement was 'signed'.

Emergency Contacts – do you need to request these?

In order to comply with the Privacy Act, you should only be requesting information that you need/have a

use for. The risk of asking for 'next of kin' details is that it may look as though you are asking questions about a volunteer's family status and this could be problematic if a volunteer raises issues about discrimination. A preferred option is to ask for their 'emergency contact' i.e. the contact details of someone who can be contacted in the event of an emergency involving that volunteer.

Existing health (including mental health) conditions

In order to comply with the Privacy Act, you should only be requesting information that you need/have a use for. Request details of medical conditions/past injuries that the organisation should be aware of which might affect the volunteer's participation in a project of the organisation, for example asthma. Considering starting the request for that information with: *"We care about your wellbeing."* You can then follow up with a question such as: *"Please note details of any medical condition or recent illness that [name of organisation] should be aware of that could affect your participation in [role] or that might affect the type of project you could do, e.g. allergies, asthma, disabilities, diabetes, epilepsy."*

To meet Privacy Act requirements, ascertain whether the volunteer gives permission for this information to be shared, for example, with their emergency contact.

IF YOU ARE COLLECTING INFORMATION OF ANY SORT, YOU NEED TO SAY HOW IT WILL BE USED AND ADVISE THAT IT CAN BE ACCESSED/AMENDED AND HOW IT CAN BE ACCESSED/AMENDED. The aim of this is to reassure the volunteer that their personal information will be handled with care. Consider using wording: *"We use this information"*

Human Rights Commission offers a free advice service and you can try contacting them if you would like specialist guidance on the questions you should (or should not) be asking in your volunteer agreements.

Term of Agreement

Agreements should be revisited as and when required.