

Special event volunteers

By Jason Barney

Volunteers working for Members are a valuable resource in augmenting staff, especially in those busy and hectic times around special events. Volunteers bring their enthusiasm and specialized experience to these functions. From pumpkin-hurling trebuchet owner/operators at the harvest festival, to coaches for Member-sponsored sporting leagues, or volunteering for social functions, art programs, or police and emergency management functions, volunteers are valued but also create unique risks that need to be managed.

One, remember that the Member can be vicariously liable for the acts of its volunteers, acting within the scope of their duties authorized by the Member. This means it is important to communicate to volunteers just what they are—and aren't—allowed to do while volunteering for the Member. Ensure the volunteers have a clear understanding of their duties and it may be helpful to reduce the volunteers' role and responsibilities to writing.

Two, be aware that volunteers injured during a Member special event may still have a cause of action against the Member if it is alleged the Member's negligence caused their injury. Volunteers are not limited by the workers' compensation "exclusive remedy" that generally prohibits negligence suits by employees against their employers. Make sure volunteers have received appropriate training and protective equipment if their role requires it.

Three, recognize that some volunteer roles, especially those involving access to children, may require background and/or reference checks. Similar vetting applies to volunteers assuming roles in police and emergency management functions, and other volunteer roles involving the potential access of sensitive information.

Relatedly, volunteers often participate in special events, including annual festivals celebrating the local culture. These are often put on by local non-profit corporations in cooperation with the Member, as was the case in a recent trip-and-fall claim WCIA resolved. The claimant in that case was injured while participating in the festival put on by the non-profit, though the Member was sued because the condition of the sidewalk allegedly caused the claimant to fall.

We were unable to fully tender (transfer) the Member's liability to the non-profit, in part because the scope of the non-profit's responsibility for the sidewalks within the festival boundaries were not clearly established under the special event permit. Similar to volunteers, non-profits who partner with Members should also have clear, written guidance on their roles and responsibilities to set expectations and apportion risk.

For further information, please refer to WCIA's Volunteer Programs guideline, PER.02, in the Liability Resource Manual. The Liability Resource Manual is available through the Member Resources page on the WCIA website: <http://www.wciapool.org/member-resources>. You may also contact WCIA with any questions.