

Considerations for Protection of Volunteers

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Key Questions

- Who is a volunteer?
- Who is responsible for protecting volunteers?
- How can volunteers protect themselves?

How do we define a volunteer?

1. “A person who freely offers to take part in an enterprise or undertake a task.”
2. “A person who works for an organization without being paid.”

Who is responsible for protecting volunteers?

- Sponsor
- PI / study team
- Institution
- Volunteers

What are the obligations and duties of sponsors / PIs / host institutions?

- Conduct high quality induction prior to the volunteer commencing their work.
- Sponsor / facilitate / encourage relevant capacity-building / ongoing education for volunteers to ensure volunteers are at the top of their game.
- Issue formal terms and conditions of volunteer work (period of appointment, work area, etc) or terms of reference to ensure there are no unfounded expectations and that volunteer duties and obligations are known in advance.

What are the obligations and duties of sponsors / PIs / host institutions?

- What are the plan to react to any study-related harms / crisis. Are volunteers covered by any sort of insurance?
- Can volunteers be sued? Yes, so indemnify volunteers against potential civil legal claims. In the US, some volunteers are protected by law against civil claims that result from their work.
- Conduct conflict resolution capacity building and draft standard operating procedures (SOPs) to help volunteers (and other staff) react to any foreseeable risk issue that could arise, to ensure standardised responses to any matter.

What are the obligations and duties of volunteers?

- Understand your duties and obligations.
 - What's your role; what are the limits of your duties and responsibilities? Are you familiar with your appointment terms and conditions / terms of reference?
- What are your disclosure obligations?
- Be familiar with your country's legal system and policy framework so you are able to respond to any matter, should you find yourself in difficulty.
- Be culturally sensitive and responsive, non-judgemental, and open-minded.
- Are you protected by labour law? Some labour laws apply to volunteers, others don't. For example, in SA, volunteers are not protected by the Basic Conditions of Employment Act but are covered by the Labour Relations Act.

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- An employee is someone who renders services to an employer for remuneration. 'Remuneration' is defined in SA's Labour Relations Act as "any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person". It provides for any payment in money for a person working for the other person. This portion of the definition would be wide enough to include stipends payable to a volunteer, because such payments would be in return for the volunteer services rendered to the organisation.
- In terms of paragraph 1 of the Fourth Schedule to the Income Tax Act, a 'stipend' as well as a 'voluntary award' are included as part of its definition of 'remuneration'. In addition, receiving payment in kind, such as free accommodation and services, may also qualify as payment.

SA case study

- But even if this part of the definition does not apply, e.g. because a stipend does not amount to ‘remuneration’, the second part of the definition’s only requirement is that the person must ‘assist in carrying on or conducting the business of an employer’. The nature of the business is not circumscribed. While the organisation’s purely charitable or religious activities might not constitute a ‘business’ (these are, arguably, public benefit and not ‘business’ activities) in Sarah’s case she was attached to a branch of the church that carried on a ‘business’ activity, i.e. producing and publishing religious literature for gain. The Code of Good Practice: Who is an Employee (in par 25) supports this interpretation, stating that unpaid workers who work for an employer ‘clearly’ fall under this category.
- In SA, the fact that someone does not get paid for doing work for them does not automatically mean that they are not employees and therefore not entitled to protection under the LRA.

How can volunteers protect themselves?

Capacity-building / education:

- Volunteers must be made aware of, and make an effort to learn and understand, local customs, norms, morals, practices. Even if you live in the area, there may be different customs you should be aware of.
- Law and human rights (health law, labour law, disclosure obligations, etc).
- Understand the difference between morals, law, and ethics so you can appreciate how to manage a dilemma if one arises.

How can volunteers protect themselves?

Capacity-building / education:

- Know / understand your rights and also the rights of study participants.
- Know who / where to go if you encounter problems. Do you have a personal standard operating procedure for yourself to ensure you react calmly and rationally in an emergency or difficult position? Do you know contact numbers of police, PI, CAB chair, etc? Consider roleplaying with colleagues.
- Consider forming intra-site and cross-site support groups to learn lessons from each other.

How can volunteers protect themselves?

Learn and practice risk mitigation:

- Ask yourself: clothing and/or vehicle branding - can it have negative consequences for you?
- Safety – educate yourself about local crime practices. For example, is it safe to carry cell phones, money and wear jewelry while carrying out volunteer work? Is it safe to take public transport or use your own cars?
- Be conscious of sexual harassment and beware of being alone in a room with male strangers or getting into an isolated setting where you could become a victim of crime.
- Don't get yourself into a conflict of interest. For example, don't become romantically involved with potential study participants or even colleagues. Be aware that you could be engaging in sexual harassment and improper conduct.

How can volunteers protect themselves?

Learn and practice risk mitigation:

- Be cautious of giving out your home details, cell #.
- NEVER make promises.
- Be responsible in your reaction to a difficult / sensitive situation. You and your colleagues may have to work in that community again and you want to preserve trust and respect.
- Be sensitive, aware of, and responsive to local customs (for example, in some places it may not be appropriate for male volunteers to be alone with females, without their husbands / partners being present).
- Be aware of political developments and local political sensitivities. Some areas may be political hotspots.

How can volunteers protect themselves?

Learn and practice risk mitigation:

Don't get involved in debates, or impose your views and morals on the community, and AVOID AT ALL COSTS unnecessarily engaging on controversial topics, such as:

- Religion / customs / rituals.
- Ethnicity / race.
- Politics.

- To a lesser degree: sport, gender/sex, sexual orientation (unless its study-related).

- These topics can be unpredictable and quickly escalate to tension, threats, and imminent danger.

Lastly, don't volunteer for something you don't believe in. For example, if feels ex work is wrong, don't get involved in research involving sex workers. Your personal biases may cloud your motive, judgement, and drive your actions. This is unethical.

Conclusion

- Protection of volunteers is a team effort.
- Ongoing education / capacity building is key to protecting volunteers.
- Risk mitigation is essential to protecting volunteers.
- Always be respectful and culturally sensitive and politically aware.