

VOLUNTEER LABORERS

Many churches undertake remodeling or construction projects with much or all of the work done by church volunteers. Any time volunteer work is done, injuries can occur.

Before volunteer work begins, take steps to reduce the risk of injury during the activity. Make sure that:

- The project is **conducive** to volunteer labor. (Large or complex jobs are best left to professionals.)
- All members are **qualified** to do the work they are undertaking.
- The project is **well organized**.
- The volunteers have been **properly instructed** in their tasks.
- Keep **safety foremost** in mind prior to and during the activity undertaken.

Check with your insurance agent for special coverages available that volunteer builders can purchase for protection while they are on a mission-building trip.

Workers' Compensation for Volunteers

Volunteers typically aren't covered under Workers' Compensation policies. Medical coverage would be available only under your church's Commercial General Liability premises and/or activity medical coverage.

This coverage usually consists of some primary coverage, but may be excess over other collectible insurance. Sports medical, as defined in most insurance carriers policies, is almost always excess. The coverage applies to the balance after the volunteer's own medical insurer has made payment. The coverage becomes primary less any deductible that applies, if there is no primary coverage.

Unless the volunteer's injury arose out of negligence on the part of your church (your church did something wrong that caused the injury), no further payment will be available under your policy.

Because your premises medical payments insurance is limited, you should ask potential volunteers about the medical coverage they carry. If a volunteer has no independent medical insurance available, it may be in the best interest of the church and the volunteer laborer for him or her to forego volunteer labor for any activity where injuries are common.

If your church undertakes a large project, consult your attorney to make certain all potential liability exposures have been addressed. You may wish to consider having volunteers and independent contractors sign a "hold harmless" agreement to protect the church against liability claims arising out of the project.

Volunteer labor can be an effective way to reach your goals. Foresight on the part of your church leadership can alert volunteers to the potential risk they assume as well as help prevent injury and resulting claims.

Volunteer Protection Act

The Volunteer Protection Act of 1997 was passed to provide increased protection for volunteers performing work for section 501(c)(3) organizations. The act provides protection for volunteers who work for nonprofit organizations.

The act generally provides that a volunteer cannot be held liable for harm caused by an act or omission of the volunteer as long as he is acting within the scope of his responsibilities to the nonprofit entity. The harm caused by the volunteer must not be caused by willful or criminal misconduct, or gross negligence on the part of the volunteer.

The term volunteer means an individual performing services for a nonprofit organization who does not receive:

- Compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or
- Any other thing of value in lieu of compensation, in excess of \$500 per year.

The term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

The law generally says that a volunteer of a religious organization is not liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if the following occurs:

1. The volunteer was acting within the scope of the volunteer's responsibilities in the organization at the time of the act or omission;
2. If appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the state in which the harm occurred;
3. The harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and
4. The harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for the state requires the operator or owner of the vehicle, craft, or vessel to:
 - Possess an operator's license, or
 - Maintain insurance.

The act does not affect any civil action brought by a nonprofit organization against any volunteer of the organization. Nothing in the act affects the liability of a nonprofit organization with respect to harm caused to any person.

The act provides protection to volunteers, not the organization.