



Volunteers and Decent Work: What's the connection?

*Clarifying the line between volunteering and
employment in the nonprofit sector*

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Executive Summary

As a large driver of economic and social development, the nonprofit sector provides meaningful jobs and employs more than two million people in Canada.¹ It also enhances social connections and encourages civic engagement by mobilizing 12 million volunteers who donate their time to address critical social, cultural, economic, and environmental issues.²

Volunteers play a key role in the nonprofit sector: for example, half of all organizations in Ontario are volunteer-operated, with no paid staff. Other nonprofits achieve their mission through a mix of paid staff, students, interns, and volunteers. The reliance on volunteers is a key strength of the sector: it benefits organizations, volunteers, and society by building the capacity of nonprofits; enables volunteers to connect with others and contribute to building community; and promotes civic engagement to build strong and connected communities.³

At the same time, however, there have long been concerns (particularly during times of austerity) that volunteer labour might somehow displace nonprofit jobs to help them meet demand for programs and services when budgets are tight. A 2007 survey of 661 nonprofits across Canada found that 25.5 per cent of organizations agreed with the statement that “some activities carried out by volunteers today were performed by paid staff in the past.”⁴ According to another study in 2014, 9.2 per cent of the volunteers surveyed reported that they replaced a paid staff member in the organization.⁵ The replacement of paid staff by volunteers occurred mainly to help the organizations cope in times of need.

This raises questions about the sustainability of displacing paid workers with volunteers, but also about the ethics of having paid and unpaid staff working side-by-side, sometimes performing similar functions. How can nonprofits be decent work employers, ensuring job stability, decent compensation, and reliable career paths for their workers if they also consider displacing them with volunteers when budgets are limited? And how can nonprofits be decent work stewards of volunteers if they require volunteers to be held to the

standard that (former) paid workers were held to?

In particular, the growing pervasiveness of student placements and internships (paid and unpaid) in the nonprofit sector has brought new challenges to the mixed staff and volunteer engagement model. This blurring of lines between paid staff, volunteers, interns, and co-op students, combined with the lack of regulatory protections for volunteers, have led to the potential misclassification of workers and the misuse of volunteers. Unlike paid staff, interns and co-op students who may be motivated by career, work experience, knowledge, or other employment-related benefits, volunteers donate their time and skills for civic, charitable, or humanitarian reasons. This altruistic motivation also indicates that volunteer work is inherently incompatible with work performed for profit-oriented organizations.

As a sector, it is imperative to preserve the spirit of volunteering while closing the door on exploitation of unpaid labour that undermines the movement to ensure decent work in the nonprofit sector. This paper seeks to clarify the ways in which people are engaged by the nonprofit sector and to identify the practices and policies needed to protect the sector's volunteers. It is aimed at those who recruit and manage volunteers, as well as board members, who have oversight and ultimate responsibility for decent work and volunteering practices in their organizations. We also make recommendations for governments as regulators of workplaces and funders of many nonprofits, recognizing that these policy frameworks have a significant impact on the ability of nonprofits to be decent work employers and stewards of volunteers.

RECOMMENDATIONS TO NONPROFITS

1. Start or re-start your journey to become a decent work employer
 - a. Review the Decent Work Checklist and sign the Decent Work Charter.
 - b. Ensure your organization's HR policies include the principle that volunteers should not displace paid staff or undercut their hours and conditions of service.
2. Apply a decent work lens to the treatment of volunteers: review Volunteer Canada's Canadian Code for Volunteer Involvement (CCVI), and implement the CCVI ten standards of practice.
3. Provide decent learning experiences for students and interns
 - a. Create paid internship opportunities to ensure inclusive and equitable access to career development opportunities, so that those looking to gain valuable work experiences can do so without having to sacrifice financial stability.
 - b. Honour the learning needs of students doing unpaid practicums and placements by providing mentorship, supervision, and feedback.
 - c. Ensure that your organization's HR policies cover and apply to students and interns.

RECOMMENDATIONS TO GOVERNMENT

As funders (all levels - municipal, provincial, and federal):

1. Do not design funding programs that require nonprofit employers to pay below minimum wage to their workers by framing them as volunteers.
2. Provide better funding for volunteer programs and volunteer-only nonprofits to help nonprofits build back from the COVID-19 pandemic and strengthen their volunteer base.
 - **Introduce a broad-based microgrant program for volunteer-only nonprofits:** Nonprofits lost a massive number of volunteers during the COVID-19 crisis. Sixty-one per cent of nonprofits in Ontario have lost volunteers during the pandemic.⁶ A broad-based microgrant program for volunteer-only nonprofits would help to build back their volunteer base. Volunteer turnover is also a major problem in volunteer-run organizations. A microgrant program would provide the resources needed for nonprofits to better support and manage their volunteers.

- **Accept volunteer recruitment, retention, and management costs as eligible costs in grants and funding agreements.**

As regulators (provincial and territorial governments):

1. Prohibit for-profit organizations from using volunteers for profit-making activities.
 - Corporations must be prevented by law from profiting from the labour of volunteers. Only nonprofits (including nonprofit co-operatives and charities) and public bodies should be permitted to use volunteers.
2. Establish enabling regulatory protections for volunteers⁷
 - a. Name and define volunteers in the *Employment Standards Act*⁸ and provide clear guidance on the distinction between employees and volunteers.
 - b. Amend the Occupational Health and Safety Act to be applicable to volunteers.
 - c. Harmonize existing (e.g., Workplace Safety and Insurance Act, Occupational Health and Safety Act, Human Rights Code, regulations under the Reopening Ontario (A Flexible Response to COVID-19) Act) and forthcoming legislation (e.g., privacy legislation) pertaining to workplaces such that they are consistent in naming and addressing the rights and responsibilities of learners and volunteers in the workplace.

THE SPECTRUM OF CITIZEN ENGAGEMENT IN COMMUNITIES

Nonprofits offer a wide range of opportunities for people to engage with the sector. For example, people can work for a nonprofit organization as a paid staff, or donate their time and skills as a volunteer. Students can complete their placements as part of their degree or diploma requirements with a nonprofit organization, or gain valuable work experience by interning at a nonprofit organization.

The chart on the following page summarizes the spectrum of ways people are engaged by the nonprofit sector, both in forms of paid and unpaid labour.

CLASSIFICATION

PAID WORKERS

Full-time employee
Part-time/casual
employee

Temporary agency
staff
Independent
contractor (gig work)

Co-op placement

Paid internship

UNPAID WORKERS

Unpaid trainees and
unpaid student work
experience
(experiential learning,
including unpaid co-
op placements)
Unpaid practicum
placements
(including clinical
rotations)

CHARACTERISTICS

Employees and contract workers are protected by employment laws.

Temporary agency staff where the staff person is employed by a third party agency and fills staff vacancies on a temporary basis.

A co-operative placement is a paid position for a specific block of time spread through the student's educational program.

An internship is a form of work that an individual undertakes in order to gain valuable work experience, whether it be through an accredited school program, or on the individual's own accord.

Co-op placement students and paid interns are treated as temporary employees.

Sometimes students undertake unpaid practicum placements or internships as part of their curriculum and learning experience. Such unpaid work experience is designed to centre students' learning goals, and ensures that the value of learning is greater than students' work contribution.

CLASSIFICATION

Unpaid interns (work experience)

COMMUNITY VOLUNTEERS⁹ (UNPAID)

CHARACTERISTICS

People undertake unpaid internships as a way to gain more experience, with the expectation of career progression.

Volunteers have no expectation of compensation and decide how much of their time to donate. They may work with a supervisor, paid or unpaid, to determine the nature and timing of their work and any learning goals they choose to pursue.

Nonprofits and charities are governed by volunteers who sit on the board of directors.

Approximately half of all nonprofits have no paid staff. Volunteer-led and -run organizations may sometimes hire external consultants for roles needing continuity and consistency (such as sport referees) and/or not of interest to their volunteers (such as bookkeeping), but otherwise function entirely on volunteer labour.

In organizations with paid staff, distinct volunteer roles are often built into the structure of nonprofit programs (e.g., a meal delivery program with paid core staff with volunteer delivery drivers or a crisis line with volunteer responders and a paid volunteer coordinator).

CLASSIFICATION

CHARACTERISTICS

CORPORATE VOLUNTEERS

Volunteers may also work alongside staff, performing some of the same tasks as paid workers (e.g., volunteers in long-term care homes or volunteers who work with (paid) faith leaders to provide spiritual counselling to community members).

With the growing demand for corporate social responsibility (CSR), companies are encouraging staff to donate their time to community organizations by allowing employees to take time off during their work day to volunteer without loss of pay. Corporate volunteers/employer-supported volunteers are unique - although they perform unpaid work for the organizations they volunteer for (not paid by the organizations), they receive remuneration from their employers in the form of paid time off for volunteering activities.¹⁰

The chart demonstrates the complexity of the ways nonprofits engage community members. The boundaries between paid work, volunteering, and other forms of unpaid work can easily cause confusion. This framework highlights the necessity of rethinking how we define and treat paid workers and volunteers in the sector, and to ask whether current practices uphold the principles of decent work for both categories. It is timely to clarify the line between volunteering and employment in the nonprofit sector and ensure equity and decent work for both paid workers and volunteers through changes in policies and practices.

COMMUNITY VOLUNTEERS AND THE LEGISLATIVE GAP FOR VOLUNTEER PROTECTION

*Volunteer Canada defines a volunteer as any person who gives their time, energy, and skills for public benefit, freely without monetary compensation.*¹¹

The involvement of volunteers should add value to and support the work of paid staff, and should not be used to displace paid staff or undercut their hours and conditions of service.

The reliance on volunteers is a key strength of the sector. Effective and engaging volunteer management is crucial to the success of programs and the well-being and satisfaction of volunteers. Volunteer Canada has developed the Canadian Code for Volunteer Involvement¹² with guiding principles and standards for volunteer involvement. The principles acknowledge that volunteers have rights: nonprofits need to ensure effective volunteer involvement and a safe supportive environment. Volunteers also have responsibilities to respect the mission, stakeholders, and community and act with responsibility and integrity. The standards articulate the building blocks for effective volunteer management.¹³

However, when it comes to legislative frameworks for managing and supporting volunteers, there is a surprising gap in Canada.¹⁴ Unlike employees who are governed (with varying enforcement) by employment standards, the word “volunteer” does not appear in the employment standards legislation of any jurisdiction in Canada.¹⁵ In Ontario, the Workplace Safety and Insurance Act does not cover volunteers, except for volunteer firefighters.¹⁶ Volunteers are also not covered by Ontario’s Occupational Health and Safety Act, although organizations have an overall responsibility for the safety of persons inside workplaces (including visitors and volunteers).¹⁷ Under the Accessibility for Ontarians with Disabilities Act (AODA), the training standards apply to both volunteers and staff in an organization, but the employment standard of the AODA does not apply to volunteers.¹⁸ Only under the Ontario Human Rights Code is volunteer work treated as employment, meaning that volunteers are protected from workplace discrimination, harassment, and violence.

The dearth of legislative and regulatory guidance on the distinction between workers and volunteers, the treatment of volunteers, and their rights and responsibilities is concerning and puts both workers and volunteers in the nonprofit sector at increased risk for exploitation.

WHO IS A VOLUNTEER? VOLUNTEERS VERSUS OTHER FORMS OF UNPAID LABOUR

Although a volunteer should not receive compensation, the lack of pay alone cannot be the determining feature of volunteer work. To be considered a true volunteer, one should:

- be unpaid,
- act with altruism as the primary motivation (volunteering for “civic, charitable or humanitarian” reasons, as we identified above), and
- carry out activities for not-for-profit organizations and public bodies.¹⁹

This framework distinguishes volunteers from unpaid interns, whose main purpose is to acquire “non-remunerative employment-related benefits (knowledge, contacts, work experience).” Volunteers, by contrast, are donating their time in support of a mission, such as service to community, contributing to knowledge or culture, or advocating for the public good.

Since volunteers provide services for “civic, charitable or humanitarian” reasons, volunteer work is inherently incompatible with work performed for profit-oriented organizations. While there are sectors of the economy, such as home care, child care, and housing, which include both nonprofits and for-profits, the question of mission versus profit is central to determining whether it is appropriate for an organization to use volunteer labour.

Profit derived from unpaid workers donating their time with an altruistic motivation is, in a word, exploitative.

There are numerous other forms of unpaid labour in the nonprofit sector and it is crucial to distinguish these forms of unpaid labour from volunteering.²⁰

Consider for example:

- High school students who are required to complete “community service” in order to graduate.
- Students at varying stages of their training may be required or have the option to complete unpaid co-op placements, internships, and practicums for credit.
- Some individuals are ordered to perform “community service” as part of their sentencing under the justice system.

In some post-secondary programs, students are required to complete practicums (unpaid supervised placements) as a condition of receiving their degree. Such unpaid student practicums are not unique to the nonprofit sector; they happen in the private and public sector as well. Many educational courses with practicum have learning contracts between the school, the individual, and placement organizations.²¹ The purpose of these contracts is to ensure the student’s learning needs are primary during the time in the practicum.

Mandatory community services often involve significant penalties for those who fail to meet service requirements. Some community service is not strictly mandatory, but entails effective “coercion” to achieve involvement (widely known as work-for-welfare, or workfare).²²

Although unpaid, the forms of labour identified above are not performed with altruism as the main motivation, and not necessarily for a nonprofit organization. Therefore, they are not to be confused with volunteering.

In recent years, a new form of learning called Community Service-Learning (CSL) is becoming more popular. These programs offer students opportunities to connect classroom learning with real life experiences in the community, with the beneficiary being not only the student but also the community organization served. Although CSL programs are often unpaid and are limited to partnerships with community organizations, they are offered in the form of university/college courses with learning being the main goal and motivation. Therefore, it is more appropriate to consider them as learning activities rather than volunteering activities.

PAID WORKERS OR VOLUNTEERS: AN EQUITY AND DECENT WORK ISSUE

It is no surprise that the confusion about “who is paid staff” and “who is a volunteer” exists in the nonprofit sector. In a women-majority sector, nonprofit workers have been historically expected to deliver for communities out of the “kindness of their hearts” and at a discount.²³

To clarify the line between employment and volunteering, it is crucial to recognize that volunteering is, in fact and before all else, a form of unpaid labour offered out of good will (in French, *bénévole*, or “good will,” literally translates to volunteer). “Commonalities among definitions of volunteer work include the near-universal acceptance that all such work must be uncoerced and unpaid.”²⁴ Volunteers themselves do not seek pay, even when it is offered, as their motivation is altruism, not money.

Paying volunteers blurs the boundary between volunteering and employment: employees get paid for their work - volunteers do not.

A resulting distinction between employees and volunteers is the differing expectations of these two groups and the amount of control organizations exert over them. Although volunteers are expected to “carry out their involvement responsibly and with integrity”²⁵ and show up for their shifts, organizations cannot and should not require volunteers to commit to full-time work for any length of time (e.g., beyond a multi-day festival or campaign), or require volunteers to get approval to change or miss shifts.

Volunteer work should also be uncoerced. However, when there is a lack of entry-level job opportunities available, many people, especially young people and newcomers, are sometimes forced to work for organizations for free, either as volunteers or unpaid interns in order to gain work experiences needed to advance their careers. When volunteer positions are being treated as entry-level positions, rather than as a way for people to altruistically donate their time and skills, organizations are “taking advantage of the lack of labour market opportunities in order to reduce fixed labour costs by not remunerating the labour of those in a structurally weak labour market position.”²⁶

This is not a decent work practice.

Furthermore, this practice creates barriers for those who cannot afford to offer free labour in exchange for training and professional connections, forcing them to make the impossible choice between their professional future and their economic survival. The result is that young people from more affluent families end up taking the volunteer and internship positions, compounding the nonprofit sector's lack of diversity.

To a degree, such employment practices are an understandable trend, considering the funding scarcity for nonprofits resulting from the drop in public social spending²⁷, the shift by governments from "core funding" to short-term, project-based funding²⁸, and the more general fiscal austerity practiced by governments in recent decades. They are not acceptable in terms of equity or decent work. We must ask ourselves, "Who is paying the price for these policy decisions?" Organizations have the responsibility to ensure that the consequences of funding restraint and nonprofit frugality are not shouldered by vulnerable populations who are already in disadvantaged labour market and financial positions.

To define paid workers, volunteers, and other unpaid workers appropriately, and to recognize when work should be paid, is an issue of equity and decent work.

To advance decent work practices in the nonprofit sector, it is important for organizations to consider the quality of employment opportunities being offered by the sector, while ensuring volunteer opportunities also include a decent work lens. Misclassifying workers as volunteers with substandard "pay" to get around employment standards is a dangerous practice that is exploitative to both workers and volunteers, and undermines the movement to ensure decent work in the nonprofit sector. Further, substituting staff with volunteers creates fear among paid staff that they could be replaced by "unpaid" volunteers and jeopardizes job stability. Therefore, for nonprofits that have a mix of volunteers and paid staff, it is necessary to ensure that volunteer involvement adds value to and supports the work of paid staff, and does not

displace paid staff or undercut their pay and conditions of service.

Most nonprofit workplaces are non-union, meaning it is up to the board (and management, if any), to determine workplace policies. But non-union workplaces can take their cue from unionized nonprofit workplaces that have, generally, taken steps to prohibit the use of persons not in the bargaining unit from performing bargaining unit work. This is in addition to prohibiting the use of unpaid volunteers from filling existing and new positions. Some collective agreements are explicit that the use of volunteers should not result in the layoff, or a reduction in hours or pay, of any bargaining unit employee.²⁹ In general, if a person is performing work similar to paid staff, at similar levels of responsibility, and has little choice about hours and conditions of work, the organization's governors should seriously consider whether they must revisit their funding model (and approach donors and funders, if necessary) to create a paid position. It is important that both union and non-union nonprofit workplaces adhere to these decent work policies.

Nonprofits have a strong history in championing social and economic justice and promoting community health and well-being. The sector should promote the same goals in its role as an employer. Improving the well-being of its employees and volunteers will increase the sector's ability to make community impacts due to better engagement and effectiveness from its workers and volunteers.

REIMAGINING VOLUNTEER ENGAGEMENT THROUGH A DECENT WORK LENS

During the COVID-19 pandemic, nonprofits saw an increase in demands for programs and services as communities turned to them for support. In the meantime, organizations reported a decline in revenues and lost a massive number of volunteers.³⁰ In Ontario, 61 per cent of nonprofits have lost volunteers since the beginning of the pandemic³¹, and it will take time to rebuild these volunteer connections which are vital to nonprofit programs, services, and connection to communities. The loss in volunteers during the pandemic brings a new urgency to clarify the line between volunteering and employment, as the confusions around the definitions of these two categories,

combined with the lack of regulatory protections for volunteers, has led to the potential misclassification of workers and the misuse of volunteers, which is exploitative and undermines the movement to ensure decent work in the nonprofit sector. As the sector recovers from the pandemic, nonprofits have the opportunity to reimagine the way they engage volunteers through a decent work lens.

However, organizations cannot do this without the support from governments. As regulators of workplaces and funders of many nonprofits, governments have a significant impact on the ability of nonprofits to be decent work employers and stewards of volunteers. So far, governments have been disengaged on this issue for the most part: the Government of Canada's recent response to a National Volunteer Strategy was to pass the responsibility off to Volunteer Canada.³² Provincial governments also failed to protect volunteers with their labour laws and have contributed to the confusion of the definition of volunteers by mandating community service hours.³³

It will take collaboration and commitment from both the sector and the governments to continue advancing decent work in nonprofits.

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