

Volunteers: essential information - 13

This series of information sheets guides you through the complex, but essential, information you need to have at your fingertips when you are recruiting and training volunteers to support sailing programmes which include disabled people.

Employment legislation

One area that potentially affects sailing clubs is the relationship between the club and individual volunteers, and how this should be managed in a way that does not create a contract of employment with the associated (employee) rights and (employer) responsibilities and liabilities.

When a person, disabled or able-bodied, carries out work for or on behalf of your club it is important for both parties to understand and agree the relationship between them. An individual may be

1. An employee –with employment rights
2. A contractor – with worker rights
3. A volunteer – with very few rights

Many clubs have relationships with their volunteers that will cause little or no concern, but there is an increasing number of situations where volunteers have taken, or are attempting to take, organisations to an employment tribunal to claim compensation for discrimination or unfair dismissal, or to claim minimum wage payments for their services. For them to do this, it must be established that a 'contract' exists between the volunteer and the organisation.

If a contract is found to exist, it is likely to be one that changes the legal status of the volunteer to that of worker or employee, so giving them a number of rights in law.

It is therefore essential that your organisation takes steps to avoid creating a 'contractual' relationship with its volunteers.

There is much more information about this in the sheet Volunteers, the club and employment law on the volunteering pages of the RYA website:

www.rya.org.uk/workingwithus/volunteers/volunteerstheclubandemploymentlaw.htm

If, after reading it, there are any areas you want to discuss or you need further guidance, please feel free to contact Jackie Bennetts, Volunteer Development Officer, on 02380 604199 or e-mail volunteering@rya.org.uk.