

# Volunteers in B.C.'s Performing Arts industry

## Frequently Asked Questions

Volunteers are a vital component of the Performing Arts industry. Without their assistance, many productions would not be possible. A volunteer's services can include ushering the audience, taking tickets, assembling sets, working at the concession, and serving as event assistants. But how do you tell if the person working on your production is considered a "worker" or a "volunteer" according to the *Workers Compensation Act*?

Whether an individual is considered a worker or a volunteer depends on the circumstances, so WorkSafeBC makes every determination on a case-by-case basis. The following frequently asked questions may help you understand some of the factors that WorkSafeBC takes into account when determining if someone is a worker or a volunteer.

If you have more questions or need clarification on whether someone is a worker or a volunteer, we encourage you to call the Employer Service Center at 604.244.6181 or toll-free at 1.888.922.2768.

### Why is it important for employers to know if an individual working on the production is a volunteer or worker?

If it's determined that the individual is a worker, employers will have legal responsibilities they must fulfill under the *Workers Compensation Act*. It also means that employers will have specific protections and rights. For example, under the *Workers Compensation Act*, an injured worker can't sue his or her employer for a workplace injury.

### Who is considered a volunteer?

For workers' compensation purposes, volunteers include individuals performing services of their own free will without receiving compensation or other incentives such as money, wages, or benefits.

### What constitutes incentives or benefits?

Incentives or benefits can be money, or anything of value, that is given in lieu of compensation. Examples of

incentives in the Performing Arts industry can include tickets, merchandise, or hours counting towards a certification.

### Is a person considered a worker if he or she works as a lighting technician for a day and doesn't receive wages, but is provided with a free ticket to another performance?

In most instances, no — as long as the ticket is not of significant value for it to be considered an incentive or motivation for volunteering.

### Is a family member considered a worker if he or she helps out and does not receive wages?

Generally, a family member who is not receiving any form of payment will not be considered a worker.

## What if the family member receives something in return for his or her work, such as free passes or a meal?

Because the family member is receiving payment in the form of passes or meals, it may change the employment relationship — that person may now be considered a worker and not a volunteer. In a situation such as this, it would be best to call the Employer Service Center at 604.244.6181 or toll-free at 1.888.922.2768 to determine if the person is a worker or a volunteer.

## What happens if a volunteer helping on a production or event gets hurt and can't work at his or her full-time job?

Once the [injury is reported](#), WorkSafeBC will evaluate all the relevant information, and determine if the injured person is a worker or volunteer as defined by the *Workers Compensation Act*.

If the person is determined to be a volunteer, he or she is not entitled to benefits from WorkSafeBC.

If the person is considered to be a worker, and is deemed [eligible for WorkSafeBC benefits](#), the employment income from all of their jobs will be taken into account when calculating their workers' compensation benefits.

## WorkSafeBC has determined that a volunteer who was injured is considered a worker under the *Workers Compensation Act*. What happens now?

An individual who is considered a worker and deemed eligible for WorkSafeBC benefits will receive compensation benefits even if his or her employer is not registered with WorkSafeBC.

WorkSafeBC will review the employer's account to confirm if it is registered and has paid the appropriate premiums. If it hasn't, the employer could be responsible for both the worker's claim costs and its unpaid premiums. WorkSafeBC will follow up with the employer about next steps, taking into consideration the circumstances of each case.

## I'm already registered as an employer with WorkSafeBC, but I'm not sure if I'll hire workers or for how long. What do I need to do?

If you're already registered as an employer, all you need to do is report all worker payroll at the end of the year — even if a worker was only hired for a few hours or days.

## As an employer, can I register for short-term coverage for people or organizations who help us occasionally, but may not be covered by WorkSafeBC?

If the business you hire is not registered or not paying the appropriate premiums to WorkSafeBC, you could be liable for insurance premiums in connection with the work or service being performed on your behalf. That's why you should always obtain a clearance letter before a business or contractor starts working for you, and again before you make the final payment. You can get [clearance letters online](#) at [worksafebc.com](http://worksafebc.com), on the Insurance page.

## I'm an employer and have personal liability coverage for the production. Will this insurance cover volunteers that work for me?

You would have to speak with your insurance provider to determine what your insurance covers.

Before you have someone perform services for you that you believe to be voluntary, you may want to contact the WorkSafeBC Employer Service Centre at 604.244.6181 or toll free at 1.888.922.2768. You can also visit [worksafebc.com](http://worksafebc.com) for more information.