

Work Comp Insights

Pelnik Insurance - Your Workers' Compensation Partner

Are Volunteers Covered by Workers' Compensation Insurance?

Volunteers bring a lot of value to the organizations they work with. They can help an organization achieve its mission, assisting in areas an organization may not be otherwise able to cover without them. However, organizations may not think to check if their workers' compensation insurance covers volunteers, or, worse still, they may wrongfully assume it does.

In most states, workers' compensation insurance doesn't cover volunteers, and a company's general liability insurance may not either. Typically, volunteers are only covered by their own health insurance. This is why it's essential to understand what an organization's insurance covers and what risks they open themselves up to when using volunteers.

What Is a Volunteer?

In general, a volunteer is a person who provides services for a company or organization on their own volition. They do not receive or expect payment or payment in kind (PIK) for their services.

Notably, the way volunteers are used can vary from organization to organization. Normally, volunteers are not paid by the organizations they work with. But, some organizations pay their volunteers a nominal fee.

Organizations that do not pay their volunteers must also check to ensure they do not provide any benefits to them either. Payment doesn't just refer to money exchanges—it can be PIK, which may include providing meals or discounts for items or services. Organizations should be aware of their state laws to ensure their volunteers are not considered employees under applicable regulations.

There are different classifications of volunteers that organizations use, including short- and long-term volunteers. Short-term volunteers are used for an event or project from time to time, whereas long-term volunteers help run programs for several years. Often, long-term volunteers have worked at an organization for years and will continue to do so due to an existing program or voluntary position.

No Coverage?

Workers' compensation insurance normally doesn't cover volunteers, but it's important to check state laws in which the organization operates. It's also important to review coverage with insurance providers to understand what workers' compensation insurance does and doesn't cover. Some states allow organizations to add volunteers to their insurance plans, especially if they are long-term volunteers.

If an organization's workers' compensation insurance doesn't cover volunteers, the organization should check to see if their general liability insurance will, as some policies may cover volunteer injuries.



Organizations need to determine what coverage they have for their volunteers as well as the risks they are taking on if they don't have coverage.

Volunteer Risk

It's commonly thought that if a volunteer is injured while volunteering and the organization doesn't have insurance coverage for volunteers, the volunteer's personal insurance will cover their injuries. While this is likely true, it doesn't mean the organization will be let off the hook. A volunteer's personal insurance may try to recoup injury costs via a lawsuit. While there is a Federal Volunteer Protection Act, it only provides protection to nonprofits and government entities. Some states do have volunteer protection laws. The employer should determine if their state provides any similar protection laws for their volunteers.

If an organization can't find insurance coverage for volunteers but they heavily rely upon them for work, programs or activities, it's in the employer's best interest to compare the financial benefit of volunteers to the financial and legal risks that could stem from an injury to a volunteer.

How to Protect Your Organization

Organizations can check with their insurance provider to determine if they can be covered under a volunteer accident policy. Alternatively, organizations can check with the insurance company to see if volunteers can be covered under their general liability coverage. If this is not an option, the organization can limit the risk of using volunteers by requiring the volunteers to sign a waiver. This can help prevent any potential lawsuits that may arise from an injury that the volunteer's personal health insurance has to cover as they assumed the risk. This can help take some of the burden off the organization should an injury or issue arise.

At the end of the day, organizations need to weigh the risk of using volunteers when workers' compensation insurance doesn't cover them.

Contact us to discuss your workers' compensation needs.



Pelnik Insurance

100 Ridgeview Dr, Suite 100
Cary, NC 27511
www.Pelnik.com
919-459-8000