



TRAINING PROGRAM LOGIN

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Confidentiality and Other Objections to Volunteers

By [Susan J. Ellis](#)

April
2009

It's easy for staff in our organizations to stop any creative idea involving volunteers from going forward. They just have to raise one of the following objections:

- *That would violate client confidentiality.*
- *It would be too risky.*
- *That's something only paid staff should do.*
- *We cannot control the conduct of volunteers in this situation.*

These comments are usually expressed with a tone and attitude implying that you – the volunteer resources manager – just don't understand the realities of agency life. Furthermore, it's calculated to stop you in your tracks, especially if the person voicing the objection is a top administrator, a lawyer, or a risk manager.

And too often it works. We slink away, albeit muttering under our breaths.

When we propose new ideas, we must prepare for these sorts of reactions and stand our ground, mainly because the objections are rarely rooted in fact, evidence, or even logic. More than anything else, we have to guard against falling into the same prejudicial thinking ourselves. Are these valid concerns or really smokescreens hiding a general resistance to volunteer involvement?

Confidentiality

One of the most frequently encountered arguments is that volunteers will either violate confidentiality by gossiping or that their very presence in the agency somehow violates service recipients' "right to privacy." Because this is couched in terms of client protection, it sounds reasonable. But let's look more closely.

- Why would anyone assume that volunteers are less able to maintain confidentiality than paid staff? This is a matter of stating the rules clearly and enforcing them. Volunteers can sign the same confidentiality agreements as paid staff.
- Client records and other sensitive information should be secured so that only authorized people with a need to know can access them – whether paid or not. The janitor doesn't need to see any records. A case worker or nurse should only see information about his or her clients or patients. And, conversely, a volunteer who has been screened, trained, and assigned to work is as "authorized" as any employee to see the information necessary to do that work.
- The confidentiality discussion often borders on paternalism. Why assume a client will object to the agency's policy of allowing authorized volunteers to do their part in providing services? If there is still concern about client rights, why not simply *ask the client* for permission for an assigned volunteer to see whatever information is necessary?

Last month the Hot Topic elicited several excellent responses from colleagues about confidentiality which are worth reading, particularly the [wise words from Christine Nardecchia](#). In one paragraph she tells it like it is, with a tone that asserts the authority of someone who has reasoned it out.

Other Worst-Case Scenario Thinking

I've dealt with risk management in other forums, most often arguing that concern for liability, while important, should never descend into risk *avoidance*. I wrote a column about this for *The NonProfit Times*, provocatively titled on purpose as "[Volunteering Is Inherently Risky](#)," which you can read for yourself.

For the volunteer program leader, the key question is: "What are the consequences of **not** doing something valuable because there is a slim chance something might go wrong?" We absolutely need to create safe practices and monitor activities (whether done by employees or volunteers), but in a world where bungee cord jumping is legal, what can volunteers possibly do that we should avoid on the basis of risk?

Be alert for other, perhaps less obvious, roadblocks to creative and worthwhile engagement of volunteers.

In a recent workshop on how to recruit online, I was discussing blogging as a tool. The very first question from one of the volunteer resource managers in the audience was: "but how can I trust volunteers to post what we would want them to say?"

Isn't that an interesting point of view about the caliber and loyalty of a volunteer corps? Here's how I responded:

- Why would your *first response* be suspicion or mistrust?

- No one said a blog should be unmonitored or that postings cannot be reviewed before going live on the site.
- What exactly is it that you are afraid volunteers will say? Do volunteers comfortably communicate to you now if there is anything wrong, or is the worry that problems will be aired publicly on a blog because there really is no other way to deal with them?
- Isn't there an excellent chance that volunteers will want to be cheerleaders for your organization – and will think of things to say that will appeal to a wider range of audiences than perhaps the PR or marketing department might reach?

You can't stop initial responses – not your own nor those of your colleagues. But you can make sure that good ideas are not shot down in knee-jerk reaction to possible problems someone can visualize. Follow these steps and see if you are more effective in removing barriers to volunteers:

- Listen. Try to discover what underlies the voiced concern. Is the issue really confidentiality or risk, or is it control and enforcing standards? Is the worry legitimate or simply an easy way to stop the conversation?
- Know the facts. Anticipate what concerns might surface and prepare yourself with external backup: examples of success by volunteers in the same role elsewhere; the actual text of the Fair Labor Standards Act; an article on "how to set up a blog."
- Ask for more opinions. Take the question higher to someone above both of you (and prepare your case). Even if the naysayer is your legal counsel or the CEO, there's always someone else who could join the discussion (the board of directors, an opinion from the state/provincial Attorney General's office, etc.).
- Involve volunteers in presenting the proposal. Show that they are interested and have thought this through. You'll find it's much harder for staff to express distrustful opinions directly to volunteers.
- Offer a small, controlled pilot test. Seeing is believing. Doing is learning.

If you're still told no, wait a few months and try again with new ammunition.

- *What objectives have been raised to you that you feel are smokescreens hiding general resistance to volunteers?*
- *How have you turned negative reactions into positive ones?*
- *What advice would you give to colleagues about standing up to those who pronounce "we shouldn't do this because _____"?*

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***Submitted June 19, 2009 by Gary Lynch, Volunteer Services Coordinator,
Tyler, Texas USA***

As the Volunteer Services Coordinator with a Police Department, I get some pretty interesting arguments involving confidentiality, training and liability. Obviously, there are some areas where it would cause legal complications for a volunteer to be involved. However, there are many more areas where volunteers can be used.

My approach involves: (1) moving slowly with a new idea to keep the "change resisters" happy; (2) explaining that volunteers are living, breathing intelligent people who can be trained and held to a standard defined in clear, concise Job Descriptions (3) as for liability, as stated in the topic, anyone can have an accident or be injured -- the key to avoiding it is safety training over and over and over. This is just as true for both paid staff and volunteers.

Submitted on 16 April 2009 by Mitch Towe, Washington County Health System, Director, Volunteer Services, Hagerstown, MD USA

Let us not become afflicted with the paralysis of analysis. Any of the problems listed in the essay that could happen with a volunteer becoming an employee could just as well not happen. The reality is, a volunteer is free to apply for and compete for a job for which she is qualified, and she can be her own best reference while volunteering. If it doesn't work out, well, it might not have worked out if the person had never volunteered first. And what about the cycle of volunteerism, where volunteers start an organization, get so busy and big that they have to become the employees and then they have to recruit volunteers to help out, who then become employees, and so on? Something similar is in your book!

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