

Volunteer Services Act

CHAPTER 497 OF THE REVISED STATUTES, 1989

as amended by

1992, c. 34; 2018, c. 20



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CHAPTER 497 OF THE REVISED STATUTES, 1989
amended 1992, c. 34; 2018, c. 20

**An Act Respecting the Protection
of Persons Who Voluntarily
Render Services or Assistance**

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Short title

1 This Act may be cited as the *Volunteer Services Act*. R.S., c. 497, s. 1.

Interpretation

2 (1) In this Act, “volunteer” means any individual, not in receipt of fees, wages or salary for the services or assistance within the meaning of this Act, who renders services or assistance, whether or not that individual has special training to render the service or assistance and whether or not the service or assistance is rendered by the individual alone or in conjunction with others and includes an individual, corporation or organization that

(a) donates or distributes, for free, food or sundries to those in need; or

(b) owns or occupies premises, other than a hospital or other premises used primarily for the purpose of providing health care to individuals, in which an automatic external defibrillator is made available for use.

(2) For greater certainty, a person who is a volunteer fire-fighter is not, for the purpose of subsection (1), in receipt of fees, wages or salary by reason only of receiving a payment, not made as a result of an employer-employee relationship, in recognition of services performed by that person as a fire-fighter or for performing services customarily rendered by a volunteer fire department. R.S., c. 497, s. 2; 1992, c. 34, s. 1; 2018, c. 20, s. 1.

Emergency assistance to person

3 Where, in respect of a person who is ill, injured or unconscious as a result of an accident or other emergency, a volunteer renders services or assistance at any place, the volunteer is not liable for damages for injuries to or the death of that person alleged to have been caused by an act or omission on the part of the volunteer while rendering services or assistance, unless it is established that the injuries or death were caused by gross negligence on the part of the volunteer, and no proceeding shall be commenced against a volunteer which is not based upon his alleged gross negligence. R.S., c. 497, s. 3.

Assistance respecting endangered property

4 Where, in respect of real or personal property in danger, a volunteer renders services or assistance to protect or preserve the endangered property, the volunteer is not liable for damage resulting to the property alleged to have been caused by an act or omission on the part of the volunteer while rendering services or assistance, unless it is established that the damage was caused by gross negligence on the part of the volunteer, and no proceeding shall be commenced against a volunteer which is not based upon his alleged gross negligence. R.S., c. 497, s. 4.

Food or sundries to person in need

4A A volunteer is not liable for damages incurred as a result of injury, illness, disease or death resulting from the consumption of food or the use of sundries by a person in need unless it is established that

- (a) the injury, illness, disease or death was caused by the gross negligence or the wilful misconduct of the volunteer; or
- (b) the volunteer knew that the food or sundries were contaminated or otherwise unfit for human consumption or use at the time of donation or distribution, respectively. 1992, c. 34, s. 2.

Automatic external defibrillator

4B (1) A volunteer is not liable for damages incurred as a result of injury, illness, disease or death resulting from the use of an automatic external defibrillator unless it is established that the injury, illness, disease or death was caused by the gross negligence or the wilful misconduct of the volunteer and no proceeding shall be commenced against the volunteer that is not based upon the alleged gross negligence or wilful misconduct of that person.

(2) A volunteer responsible for an automatic external defibrillator is not responsible for damages incurred as a result of injury, illness, disease or death resulting from the use of the automatic external defibrillator unless it is established that the volunteer did not take reasonable steps to ensure the defibrillator was maintained in accordance with the manufacturer's guidelines and other applicable guidelines. 2018, c. 20, s. 2.

Common law

5 Sections 3 and 4 are declaratory and shall be deemed to be the common law of the Province as it always has been and as it is. R.S., c. 497, s. 5; 1992, c. 34, s. 3.

Regulations

6 (1) The Governor in Council may make regulations specifying items that are to be included in the definition of “sundries”.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*. 1992, c. 34, s. 4.
