



MEETING NOTES

Issues surrounding volunteers in BC Parks
Meeting with Scott Benton, Executive Director, BC Parks
10AM - 12.30 PM, Friday September 24, 2010
S.P.E.C., 2150 Maple Street, Vancouver

Participants:

Scott Benton, Executive Director Regional Operations (including BC Parks delivery) (BCP)
Aaron Miller, Section Head, BC Parks, Lower Mainland Region
Jeremy McCall, Executive Director, ORC, facilitator.
Don Reid, Trails BC & Director of ORC
Alex Wallace & Pat Harrison, Federation of Mountain Clubs (FMCBC)
Elaine Golds, Burke Mountain Naturalists (BMN)
Mike Castle & Katharine Steig, Friends of Cypress Provincial Park (FCPP)
Dan McDonald & Brian Harder, Back Country Horsemen of BC (BCHBC)
Ruth Donald, Horse Council of BC (HCBC)
Larri Woodrow, Trails BC (TBC)
Karl Stevenson & Bob St. John, Friends of Strathcona Park (FOSP)

Meeting and agenda

Although scheduled to begin earlier, the meeting with Scott Benton did not begin until about 10.15, which gave sufficient time before the meeting for the NGO representatives to discuss some of the issues and decide who would best speak to each. The agenda was prepared based on input from ORC's members and other NGOs and it was provided to Scott three weeks before the meeting. The meeting notes are based on the original agenda items.

Scott Benton's opening statement

BC Parks former volunteer policy is set out in a large binder to give guidance to BC Parks managers (a copy was passed around). It was last updated in 1997 and the volunteer program has not been actively managed since 2002. The policy contains provisions for different kinds of volunteer agreements. Some of these agreements continue and he cited the case of the volunteer Wardens who belong to the Friends of Ecological Reserves and who perform minor work in the ERs.

One important feature was the fact that WorkSafe BC regards volunteers as employees and the same standards apply to both regarding work place safety. He referenced the use of Park Use Permits for volunteer groups (similar to those used for agreements with commercial operators), as an example of one end of the volunteer agreement spectrum. A Park Use Permit can be used where a volunteer group is prepared to assume greater responsibility for liability of its actions and in managing work place safety. This means a volunteer group must have its own liability insurance to protect it against third party actions arising from

works it may perform under the agreement. An example is Friends of the South Slope in Kelowna (an ORC member). Scott mentioned that BC Parks Volunteer policy has provisions for considering agreements which would provide coverage for loss of wages in the event a volunteer was injured however he was not aware of any agreements that had been approved which provides for this. Most volunteer groups work under much simpler agreements which contain provisions for the Province assuming responsibility for third party liability and outlines the agreed upon roles of the province and the volunteer group or individual

Relationship between BC Parks personnel and local groups

1. In many cases there is a lack of full understanding by BC Parks personnel of the role of volunteers.

Dan McDonald (BCHBC) said volunteers are being dealt with like commercial operators and their participation does not appear to be valued by BCP. He said there was a big change in the last year.

Scott responded that reductions and changes in staff have resulted in a general decline in knowledge and practical application of the volunteer policy, Combined with a lack of training it is resulting in inconsistent application of the volunteer program policy across the province. He noted that in hindsight the volunteer program should have been maintained and expanded when staff cuts were implemented in 2002, instead of allowing it to decline.

2. In some cases there is a lack of responsiveness of BC Parks personnel to initiatives of local groups wishing to contribute as volunteers.

Elaine Golds (BMN) said her club played a big part in getting Burke Mountain P.P. designated. They have been maintaining trails ever since, never with an agreement, while keeping BCP staff informed. Latterly they don't get responses to their e-mails when they try to contact BCP staff so she wondered if BCP staff preferred not to know what was being done so as to avoid responsibility.

Scott responded that the lack of response was likely due to BCP staff being busy.

3. There is a need to establish and publish protocols for communication between active volunteer groups and BC Parks personnel.

Katharine Steig (FCPP) said communication with local BCP staff had become more difficult since there is no longer a receptionist in the BCP Seymour office and the degree of success of volunteer efforts is dependent on the quality of communication. She said BCP should recognize that they must have the will and staff to support volunteers. Networks need to be created between BCP and "Friends of" type NGOs.

Scott responded that volunteer management has not been high on the BCP priority list since 2002. He also noted that staffing levels are directly related to the provisions of budgets which are political decisions. Scott noted that the BCP budget will be reduced again in the next fiscal year along with the rest of the provincial resource ministries' budgets.

Bob St. John (FOSP) suggested that one 'go-to' person, perhaps a "volunteer ombudsman", is needed. Scott responded that California has a volunteer management organization which would make a good model but there are no funds available for anything like that. Scott acknowledged that the province is not taking advantage of volunteer resources.

- 4. We understand there may be a stated requirement (allegedly by the BC Government Risk Management Office) that a BC Parks Ranger must be present during any volunteer work to ensure that no fraudulent claims for compensation in the event of injury. Such a requirement would effectively eliminate many possibilities for volunteer work and the suggested rationale does not stand up to scrutiny given the presence of other volunteers as witnesses.**

Alex Wallace (FMCBC) referred to the FMCBC's Adopt-a-Trail program which was started by Charles Clapham in 1985. He asked if a park ranger has to be present when work is being done without power-tools and whether a waiver has to be signed when undertaking bridge work, for example. He said that latterly he had the impression that all volunteers could do is pick up litter.

Scott responded that he was not aware of the directive about park rangers and fraudulent claims and in his opinion the requirement would be excessive. There are some instances where work practices must be overseen by a qualified individual to meet WorkSafe regulations; use of ranger staff is one way to meet this requirement but not the only way..He said that some BCP staff may not be sufficiently familiar with the guidelines for work by volunteers and he and Aaron would look into it.

In response to Larri Woodrow's reference to the rules for free firewood cutting permits on the Ministry of Forests website Scott said there is a different level of liability for work on Crown land outside provincial parks, partly due to the choice of the worksite being made by the volunteer and it is not governed by the WorkSafe Regulations.

- 5. There is a need to establish and publish clear guidelines for volunteer involvement and procedures to be in effect across the Province along with templates for standardized agreements with BC Parks, similar to existing Group or Individual Volunteer Agreements.**

Brian Harder (BCHBC) said that the use of the Park Use Permit approach during the past year has become more complex; given that the documents are no longer simple agreements they have become much more formal and legalistic. Also the required documents do not match the descriptions given at meetings with BCP staff.

Scott responded that the use of Park Use Permits for volunteer program agreements are at one end of the program management scale. They are only intended to be used where there is agreement from the volunteer group that they wish to take on a greater degree of responsibility and independence where there is a requirement for more complex work..

Dan McDonald (BCHBC) asked why volunteers should ever have to sign a waiver. All present agreed that it would be quite wrong if volunteers were

required to sign waivers to assist BCP. Scott was not aware that volunteers were being asked to sign waivers and he said he would look into it. He acknowledged that such a waiver probably wouldn't stand up in court. Volunteers are asked to sign volunteer agreements to provide them third party liability coverage by the government and to outline the nature of the work agreed to by the two parties.

Scott said he had committed to George Ralph (BCHBC and a former BCP employee) in a recent meeting that he would meet with the BCP managers of the Cascades region to review their actions with respect to liability issues..

6. Possibly acknowledge “Trail Watcher” groups with published Guidelines

Not addressed separately.

Liability issues (moved up in agenda as it was related to the above issues)

1. There is a vital need to clarify the responsibility for third party liability and coverage of injuries, if applicable.

Mike Castle (FCPP) requested clarification of BCP's position re providing liability protection for volunteers and the directors and officers of volunteer organizations.

Scott stated that the volunteers would be covered if the organization signs an agreement with BCP. He reiterated that he did not think a park ranger would have to be present unless the nature of the work required it. He noted that in some cases such as bridges, the work would be required to meet certain standards. He suggested that the directors would be covered in the same way as volunteers and he referred to the Provincial coverage of the Search and Rescue groups. Scott said he would get an answer to the question of whether liability coverage is extended to directors of volunteer organizations if a volunteer agreement is in place.

If the BC Government is prepared to insure volunteers for the above, the rules for being covered should be made very clear and published. (All are agreed on that point!)

2. Implications of the Occupiers Liability Act, if applicable.

Scott Benton stated that the Province is responsible under the provisions of the Occupiers Liability Act for what happens on Crown land in the Parks. This is the same as a private property owner being accountable for making reasonable efforts to ensure their property is in a safe condition or that works being undertaken on their property are being done in a safe manner. If they fail to do so they are liable including for time loss for workers working on their property.

Work planning and types of work

1. The assumption by BC Parks that volunteer groups should plan and organize like PFOs, e.g. filing one year plans, is impractical

Brian Harder (BCHBC) reiterated that BCP's expectations of volunteer groups are unrealistic because the latter don't necessarily have management expertise nor should they be expected to take the time necessary to plan.

Aaron Miller (BCP) responded that this would only apply to long term stewardship agreements. Scott indicated that he had a copy of a draft agreement for the Back Country Horsemen in the Skagit Valley. Karl Stevenson (FOSP) said he thought BCP should assist volunteers, not stand in their way. One organization in the Courtenay area is building trails without BCP's involvement and the volunteer-built trail is better than the BCP trails because it is not so wide and is less subject to erosion.

2. Training, guidelines and re-publication of the BC Parks Volunteer Manual.

Dan McDonald and Brian Harder (BCHBC) suggested that BCP provide personnel for one day a year to volunteer groups to provide training and education as to BCP's requirements, to "train the trainers". Ruth Donald (HCBC) said the guidelines on the MTCA website, updated in 2007, would be a useful precedent to use.

Scott agreed that this would be a cost effective idea.

3. Disruptions are caused by changes in BC Parks decisions or approvals after volunteers have been organized for a specific work plan.

This question was not adequately addressed because the discussion changed to a different topic.

4. Rules are required for the training for and use of power tools e.g. chain saws, vehicles. However, we understand that most volunteer groups do not want to use power tools and apparently they are not used by volunteers in US National Parks.

Larri Woodrow (TBC) said that TBC volunteers are using power tools in such areas as the Chilliwack River Valley. He pointed out that there are presently different standards for north and south. In northern parks horsemen commonly pack chainsaws, essential for cutting windfalls to reduce trail braiding. This is not common practice in southern BC. He suggested that common practices should not be set aside because of policy and that BCP should make it easier for volunteers to use power tools. He added that commercial operators in Northern BC are not doing an adequate job of maintaining trails and some guide outfitters discourage the public from using trails in their areas..

Scott said that chain saws are viewed as very high risk tools and proper training is required for their use. He also said it is WorkSafe BC, and not BC Parks, which dictates regulations for chainsaw use.

5. Lists should be published or reference made in guidelines or the proposed volunteer manual as to what constitute appropriate tasks for volunteers.

Scott responded that the sky's the limit with respect to appropriate tasks for volunteers, so long as appropriate agreements are in place.

6. Practical trail standards should be published by BC Parks.

Karl Stevenson reiterated that volunteer-built trails often stand up better than the BCP-built trails.

Some other issues

- 1. Once protocols, guidelines, etc. settled, they should be put on the BC Parks website, with the caveat that local agreements will be required.**

Ruth Donald (HCBC) questioned the recent addition to the BCP website under Partnerships - <http://www.env.gov.bc.ca/bcparks/partnership/> - inviting groups to come forward with proposals for management and stewardship agreements.

Jeremy McCall enquired if this was intended for commercial arrangements.

Scott responded that it was intended to include all types of arrangement.

- 2. Consider reactivation of the Adopt-A-Trail program inside and outside BC Parks. This could be a task for ORC for which ORC could get some funding.**

Jeremy McCall, on behalf of the FMCBC members who had already left, emphasized that this program is sponsored by the FMCBC. However the program needs revitalization if volunteer work groups can be re-activated.

- 3. Consider adoption of Metro Vancouver Parks or US National Parks volunteer participation models as a templates.**

Larri Woodrow (TBC) recommended that the Metro Vancouver volunteer model be considered as an example to follow.

- 4. Distinguish between NGOs and groups which want to volunteer for physical trail work in BC Parks and those that are mainly involved in advocacy**

Not discussed as not really on topic.

Concluding comment by Scott Benton

Scott acknowledged that the decision to discontinue the program support for the volunteer program in 2002 had been a mistake and that BCP needs to fix the situation.

On behalf of those present Jeremy McCall thanked Scott and Aaron for giving their time generously to discuss these issues and the meeting was adjourned.

JM et al/SB

Oct. 26/10