

LAW
ON VOLUNTEERING
(RS OFFICIAL GAZETTE, NO 36/2010)
I MAIN PROVISIONS

1. Scope

Article 1

This law regulates key terms regarding volunteering, principles of volunteering, volunteering agreement, rights and obligations of volunteers and volunteer organisers and supervision over the implementation of this law.

All terms in the masculine form used in this law shall be understood to mean the same terms in the feminine form, in accordance with law.

2. Meaning of terms

Article 2

Within the meaning of this law, volunteering shall be understood to mean voluntary and organised provision of services or performance of activities of general interest, for the general welfare or for the benefit of another person, without pay-out of financial compensation or claim of another financial gain, unless otherwise stipulated herein.

Long-term volunteering shall be understood to mean volunteering that lasts longer than 10 hours a week, for at least three consecutive months.

Provisions of this law regulate both short-term and long-term volunteering.

Article 3

Within the meaning of this law, volunteering shall not be understood to mean:

- 1) time spent on professional training and development or practical work without establishing labour relations, in accordance with law;
- 2) labour outside labour relations, in accordance with law;
- 3) providing services or carrying out activities that a person is obliged to provide for the benefit of another person pursuant to law or other regulations;
- 4) meeting court decisions, decisions on misdemeanour or other decisions of competent bodies;
- 5) providing services and carrying out activities common in one's relations with family, friends or neighbours;
- 6) performing tasks of the Red Cross of Serbia related to achievement of goals and tasks in accordance with the law and other regulations;
- 7) performing tasks and activities in political parties, trade unions and other associations related to achievement of goals of such organisations and associations by their members, in accordance with their statutes;

- 8) performing ad hoc activities of general interest for the general welfare or for the benefit of a third person not lasting longer than 10 hours a week, no longer than 30 days with or without interruption, during a calendar year.

Article 4

A volunteer may be a domestic or foreign natural person, in accordance with this law.

A volunteer organiser may be a legal entity whose primary objective, in accordance with its founding act, is not to gain profit.

Exceptionally, a volunteer organiser may be a company or a public enterprise, under conditions stipulated by this law.

A state body, autonomous province body, a body of the local government unit, a municipal body may be volunteer organisers in accordance with this law, other regulations and ratified international agreements.

A beneficiary of volunteering may be a natural person, a legal person whose primary objective is not to gain profit, or a volunteer organiser whose primary objective is not gain profit.

II VOLUNTEERING PRINCIPLES

1. Principle of solidarity and promotion of volunteering

Article 5

Volunteering shall be promoted as an activity of interest for the Republic of Serbia, and of public interest, that contributes to active participation of citizens in social processes and development of a more humane and equal democratic society of equal opportunities, and to improvement of the quality of citizens' life.

2. Principle prohibiting discrimination

Article 6

Any unjustified differentiating or unequal treating and pretermittting of volunteer organisers in respect of volunteers that is discriminatory in accordance with law shall be prohibited, unless otherwise defined by the nature of the volunteering activity, possibility of the very volunteer or unless otherwise stipulated by this law.

A volunteer organiser and a volunteer shall treat natural persons – beneficiaries of volunteering in accordance with the principle referred to in paragraph 1 hereof.

3. Principle of protection of a beneficiary of volunteering

Article 7

A volunteer organiser shall ensure that performing volunteering activities and services is carried in a manner that protects personal integrity and interest of the beneficiary of volunteering.

4. Principle prohibiting abuse of volunteering

Article 8

Organising volunteering for the purpose of gaining profit shall be prohibited.

Volunteering that replaces labour performed by persons in accordance with regulations on labour affairs shall be prohibited.

5. Principle of youth protection

Article 9

Underage volunteers and persons between the age of 18 and 21 performing volunteering shall fall under the scope of regulations addressing protection at work of such persons.

6. Principle of volunteering for free

Article 10

A volunteer shall have no right to financial compensation or other material gain from volunteering.

Financial compensation or other material gain for a volunteer shall not be understood to mean the reimbursement of volunteering costs, in particular:

- 1) work clothes, equipment and objects for personal protection of volunteers;
- 2) travel, accommodation and food and other costs incurred in relation to performing volunteering services and activities;
- 3) medical examination for the purposes of volunteering;
- 4) training for the performance of volunteering services and activities;
- 5) premium of a volunteer's insurance against cases of physical injury or occupational disease that occurred during volunteering, and financial compensation for the purpose of insuring against liability for the damage made to a volunteer organiser or a third party;
- 6) pay-out of allowance, in case of long-term volunteering, the monthly amount of which may not exceed 30% of the net amount of the minimum monthly wage for full employment in the Republic of Serbia.

Pay-out of allowance shall be determined under the volunteering agreement.

III CONDITIONS FOR VOLUNTEERING

Article 11

Volunteering may be performed by a person of at least 15 years of age.

A person under the age of 18 may volunteer exclusively with a written consent of a parent or guardian.

A person under the age of 15 may be included in learning and educational volunteering activities, in accordance with regulations on education and learning and ratified international conventions.

Volunteers may not perform jobs that pose danger to life and health or are performed in conditions that pose threat to life and health.

Article 12

If beneficiaries of volunteering include children, persons with disabilities, persons with development disabilities, the elderly and the disabled, ill persons or persons who are declared entirely or partly legally incompetent, the volunteer organiser shall pay particular attention in choosing and training volunteers.

Volunteering with persons referred to in paragraph 1 hereof may not be performed by the following persons:

- 1) a person against whom a safety measure has been pronounced placing such a person under compulsory psychiatric treatment at liberty or under mandatory drug and alcohol rehab treatment or a person against whom a measure has been pronounced banning such a person to practise its profession, activity or duty related to volunteering;
- 2) a person convicted by a final court decision for a criminal offence against life and body, freedom and rights of citizens, gender freedom, marriage and family, health of people;
- 3) a person declared entirely or partly legally incompetent;
- 4) a person entirely or partly deprived of parenthood right and a person against whom measures were pronounced due to domestic violence.

Article 13

A foreign citizen and a non-resident shall have the right to volunteer in the Republic of Serbia in accordance with law and confirmed international agreements.

IV CONDITIONS TO BE MET BY A COMPANY AND PUBLIC ENTERPRISES TO ORGANISE VOLUNTEERING

Article 14

A company or public enterprise may act as a volunteer organiser in accordance with this law, if:

- 1) it organises volunteering for the general welfare or welfare of another person on activities outside the scope of the legal entity or public enterprise;
- 2) no profit is gained from volunteering services or activities;
- 3) volunteering does not replace labour of employees and other employed persons in the company or a public enterprise.

The legal entity referred to in paragraph 1 hereof shall obtain consent to the volunteering programme from the ministry competent for labour affairs (hereinafter ministry).

The volunteering programme shall in particular contain data on the organiser and the beneficiary of volunteering, place and duration of volunteering, the planned number of volunteers, and description of volunteering services and activities, data on training of volunteers.

The legal entity referred to in paragraph 1 hereof shall submit to the ministry, along with the volunteering programme, excerpt from the registry of business subject and the rulebook on organisation and systematisation of jobs, and other documentation upon the request from the ministry which attests that volunteering is performed in accordance with paragraph 1 hereof.

The ministry shall decide on giving or refusing to give consent to the volunteering programme within 15 days from the receipt date of the volunteering programme and additional documents.

V VOLUNTEERING AGREEMENT

Article 15

Volunteering shall be performed on the basis of a volunteering agreement.

The volunteering agreement shall be entered into by a volunteer organiser and a volunteer.

The volunteering agreement shall be concluded in writing:

- 1) in case of a long-term volunteering;
- 2) with an underage volunteer;
- 3) with a foreign citizen and a person without citizenship;
- 4) with a citizen of the Republic of Serbia volunteering abroad, if the volunteer organiser is headquartered in the Republic of Serbia;
- 5) if beneficiaries of volunteering are persons referred to in Article 12 hereof;
- 6) upon request of a volunteer, volunteer organiser or beneficiary of volunteering.

Article 16

The agreement on long-term volunteering concluded with a foreign citizen or a person without citizenship shall serve as proof of justifiability of temporary residence, in accordance with the law regulating movement and residence of foreigners.

Article 17

Volunteering in accordance with this law shall not mean that the person ceases to be entitled to the rights ensuing from unemployment.

Article 18

The volunteering agreement shall in particular contain:

- 1) name and surname of the volunteer, place of his temporary or permanent residence;
- 2) name and head office of the volunteer organiser;
- 3) data on the beneficiary of volunteering;
- 4) data on duration and place of volunteering;
- 5) description of volunteering services and activities;
- 6) data on training for the purpose of volunteering;
- 7) volunteering expenses and the manner of their reimbursement;
- 8) other rights and obligations of the volunteer, volunteer organiser or volunteer beneficiary.

Prior to concluding a volunteering agreement referred to in Article 15, paragraph 1, item 5) hereof, the volunteer organiser shall obtain a certificate from the competent body attesting that there are no impediments referred to in Article 12 hereof in respect of a volunteer.

The certificate referred to in paragraph 2 hereof may not be older than six months.

Article 19

A volunteering agreement shall expire:

- 1) upon expiry of the period for which the agreement was concluded or upon fulfilment of the agreed obligation;
- 2) through an agreement between the parties;
- 3) through a unilateral agreement cancellation;
- 4) on the day of issuing a final court decision on establishing any of the impediments referred to in Article 12 hereof;
- 5) when a parent or guardian of an underage person ceases to agree with further volunteering;
- 6) in other cases determined by the volunteering agreement.

Article 20

A volunteer may cancel the volunteering agreement at any time in the prescribed manner of cancellation, without any obligation to elaborate on the reasons.

The volunteer organiser may cancel the volunteering agreement:

- 1) if the need for volunteering ceases to exist;
- 2) if the organiser is not able to ensure conditions for further volunteering;
- 3) if the volunteer fails to fulfil the obligations from the agreement;
- 4) if, through his actions, the volunteer harms the beneficiary of volunteering;
- 5) in other cases determined by the volunteering agreement.

VI RIGHTS AND OBLIGATIONS OF A VOLUNTEER AND VOLUNTEER ORGANISER

1. Volunteer's rights

Article 21

A volunteer shall have the right:

- 1) to be acquainted with conditions of volunteering, services and activities to be performed, rights entitled to in accordance with this law and other regulations and general acts of the volunteer organiser;
- 2) to receive in writing, upon request, a description of the volunteering service or activity;
- 3) to be acquainted with the rules of conduct and ethical rules of conduct prescribed for the activities under the scope of volunteering;
- 4) to adequate training if such training is required for providing volunteering service or activity;
- 5) to professional assistance and support during volunteering;
- 6) to compensation of agreed expenses incurred in relation to volunteering;
- 7) to safe and healthy work conditions and materials and equipment for personal protection, in accordance with the nature of the volunteering service and activity the volunteer provides;
- 8) to be acquainted with dangers and hazards related to the service the volunteer is to provide during volunteering;
- 9) to absence and daily rest period, duration of which has been agreed upon;
- 10) to protection of privacy and personal data;
- 11) to be consulted in deciding on the manner of providing the volunteering service activity;
- 12) to other rights stipulated by this law and the volunteering agreement.

2. Volunteer's obligations

Article 22

A volunteer shall:

- 1) volunteer in accordance with law, the volunteering agreement and instructions of the volunteer organiser;
- 2) provide the service in person and directly, in accordance with professional rules of conduct and professional ethics, in cases when providing a service requires professional competence;

- 3) provide services impartially, regardless of beneficiaries' personal characteristics;
- 4) inform the volunteer organiser of any important circumstances that affect or could affect performance of volunteering services and activities, or any circumstances which threaten the life and health of the volunteer and persons with whom the volunteer comes into contact during the provision of services;
- 5) keep business secret and protect confidential personal data on the beneficiary of volunteering;
- 6) refuse volunteering that violates the law and the volunteering agreement.

Article 23

The volunteer is not obliged to act in accordance with instructions from the volunteer organiser, if:

- 1) following such instructions may threaten the life and health of a volunteer, beneficiary of volunteering and other persons;
- 2) if such instructions are morally unacceptable to the volunteer, beneficiary of volunteering or another person;
- 3) if such instructions violate the law or a volunteering agreement;

If following the instructions may cause damage to the volunteer, beneficiary of volunteering or a third person, the volunteer shall warn the volunteer organiser of this in writing.

The volunteer shall not be held liable for the damage caused provided he previously in writing warned the volunteer organiser of such a possibility.

Article 24

A volunteer organiser shall be held liable for the damage caused by a volunteer to a beneficiary of volunteering or third persons in relation to volunteering services or activities.

A volunteer organiser that compensated the damage caused by a volunteer deliberately or by negligence shall have the right to request from the volunteer reimbursement in the amount of the damage.

A volunteer shall be held liable for any damage to the volunteer organiser caused by performing of a volunteering service or activity, either deliberately or by negligence.

Establishing the damage, its amount, circumstances under which it occurred, liability and the manner of compensation shall be regulated by regulations on labour.

A volunteer organiser shall compensate the volunteer for the damage suffered in relation to volunteering, unless the damage was caused by negligence on the part of the volunteer.

3. Obligations of the volunteer organiser

Article 25

A volunteer organiser shall:

- 1) ensure safety and health to the volunteer during volunteering services and activities in accordance with law;
- 2) issue to the volunteer a certificate on volunteering upon the volunteer's request;
- 3) provide materials and tools to perform volunteering services and activities;
- 4) ensure secrecy of the volunteer's personal data and privacy protection;
- 5) ensure conditions for volunteering and the exercise of the volunteer's rights in accordance with this law and the volunteering agreement.

The certificate of short-term volunteering shall be issued upon a volunteer's request on the last day of volunteering.

The certificate of volunteering referred to in paragraph 1, item 2) and paragraph 2 hereof shall in particular contain: personal data on the volunteer, beneficiary and volunteer organiser, a short description of volunteering services and activities, duration of volunteering and data on training a volunteer during volunteering.

A volunteer organiser shall be held responsible for the validity of data entered into the certificate of volunteering.

The certificate of volunteering may be issued in the form of a booklet (volunteer booklet).

The content and the layout of the certificate of volunteering shall be stipulated in detail by the minister competent for labour affairs (hereinafter minister).

Article 26

A volunteer organiser shall organise training of volunteers working with children, persons with disabilities, the elderly, person in need of assistance and care of another person, ill persons or persons who have been declared entirely or partly legally incompetent, when such training is required to perform volunteering services and activities.

Article 27

The volunteer organiser shall insure the volunteer against accident and occupational diseases during volunteering:

- 1) if it has been so agreed;
- 2) in case of long-term volunteering.

VII RECORDS OF VOLUNTEERING

Article 28

A volunteer organiser shall keep records of volunteering.

Records of long-term volunteering shall contain: a description of volunteering programme, and of volunteering services and activities, duration of volunteering and the volunteering

programme, number of volunteers engaged in the volunteering programme, data on the beneficiary of volunteering, personal data on volunteer, data on volunteer's training and other data significant for volunteering.

Records of short-term volunteering shall contain: a description of volunteering programme and volunteering services and activities, duration of the volunteering programme and the number of volunteers engaged.

The records of volunteering shall be kept from the day volunteering began and their keeping shall stop on the day volunteering ended.

The content and the manner of keeping records shall be prescribed by the minister.

VIII RECORDS ON VOLUNTEER ORGANISERS

Article 29

The ministry shall keep records of volunteer organisers.

A volunteer organiser shall submit to the ministry a registration on organising volunteering performed in accordance with provisions of this law.

The registration is submitted during the first time volunteering is organised.

The content of registration and the manner of entering and erasing of a volunteer organiser from the records shall be prescribed by the minister.

IX REPORT ON VOLUNTEERING

Article 30

A volunteer organiser shall submit to the ministry a report on volunteering no later than 31 March for the previous year.

The report on volunteering shall contain data on: volunteer organiser, volunteering programme, volunteering services and activities, beneficiary of volunteering, volunteers and volunteering agreements.

The content and the manner of submitting the report shall be stipulated in detail by the minister.

X SUPERVISION

Article 31

Supervision over the implementation of this law, other regulations on volunteering and volunteering agreement shall be performed by the labour inspection and administrative inspection.

In performing inspection supervision, the inspector shall have the right to issue a decision upon the volunteer organiser ordering the volunteer organiser to remedy violations of the law, other regulations on volunteering and volunteering agreement within the defined period.

No later than 15 days from the date of expiry of deadline for removal of the established violation, a volunteer organiser shall inform the inspection of executing the decision.

The labour inspector or administrative inspector shall file a request for initiating misdemeanour proceedings if they establish that the volunteer organiser has committed a misdemeanour by violating the law or other regulations governing volunteering.

XI PENAL PROVISIONS

Article 32

A fine of from 100,000.00 to 500,000.00 dinars shall be imposed for a violation upon a volunteer organiser in the capacity of legal entity:

- 1) if it violates the principle of discrimination prohibition (Article 6);
- 2) if it organises volunteering with aim of gaining profit or uses volunteering to replace labour (Article 8);
- 3) if it concludes a volunteering agreement with an underage person contrary to provisions of this law (Article 11);
- 4) if it concludes a volunteering agreement with a person referred to in Article 12, paragraph 2;
- 5) if it fails to obtain a consent from the ministry competent for organisation of volunteering in accordance with provisions of this law (Article 14);
- 6) if it does not conclude a volunteering agreement with a volunteer pursuant to provisions of this law (Article 15, paragraph 3);
- 7) if it fails to obtain a consent from the volunteer prior to concluding the volunteering agreement in accordance with provisions of this law (Article 18, paragraph 2);
- 8) if it fails to issue a certificate on volunteering to a volunteer or enters invalid data into the certificate (Article 25);
- 9) if it fails to keep records of volunteering in accordance with this law (Article 28);
- 10) if it fails to report organisation of volunteering in accordance with this law (Article 29);
- 11) if it fails to submit a report to the ministry in accordance with this law (Article 30);
- 12) if it fails to act upon the decision of a labour inspector, or administrative inspector in accordance with this law (Article 31);

If the violation referred to in paragraph 1, item 2) hereof resulted in financial gain, such gain shall be taken away.

A fine of from 10,000.00 to 100,000.00 dinars shall be imposed for a violation referred to in paragraph 1 hereof upon a competent person in the legal entity and competent person in a public body, body of territorial autonomy and unit of local government.

XII TRANSITIONAL AND FINAL PROVISIONS

Article 33

The regulations envisaged for enforcement of this law shall be passed within six months from the day of entry into force of this law.

Article 34

This law comes into force on the eighth day of its publication in the Official Gazette of the Republic of Serbia, and shall be applied upon the expiry of a six-month period from the date of its entry into force.