

# LAW ON VOLUNTEERING

("Official Herald of the Republic of Serbia", No. 36/2010)

## I BASIC PROVISIONS

### 1. Subject

#### Article 1

This law regulates the basic concepts related to volunteering, the principles of volunteering, volunteer contract, the rights and obligations of volunteers and organizers of volunteering and supervision over the implementation of this law.

All terms used in this law in the masculine gender also include the same terms in feminine gender in accordance with the law.

### 2. Definitions

#### Article 2

Volunteering, under this law, is organized, voluntary provision of services or performing of activities in the public interest, for common good, or for the benefit of another person, without monetary compensation or claim of other tangible benefits, unless this law provides otherwise.

Long-term volunteering is volunteering that lasts longer than 10 hours per week, at least three months without interruption.

The provisions of this Law shall apply to short-term and long-term volunteering.

#### Article 3

Volunteering in terms of this law shall not be considered to be:

- 1) Time spent on professional training and development, or in practical work without the establishment of employment, in accordance with the law;
- 2) Work outside employment, in accordance with the law;

- 3) The performance of services or activities that a person is obliged to provide to another person, in accordance with the law and other regulation;
- 4) Execution of court's, magistrate's court and other decisions of the competent authorities;
- 5) The performance of services or activities common in the family, friendly and neighborly relations;
- 6) Performance of tasks in the Red Cross of Serbia related to the achievement of objectives and tasks in accordance with the law and other regulations;
- 7) Performing tasks and activities in political parties, trade unions and other associations, which are related to achieving goals and objectives of those organizations or associations by their members, in accordance with the articles of association;
- 8) Performing specific ("ad hoc") activities in the public interest, for the common good or for the benefit of a third person that do not last longer than 10 hours per week, no more than 30 days without a break or with breaks during the calendar year.

#### **Article 4**

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

The organizer of the volunteering may be a legal entity whose primary objective, in accordance with the memorandum of association, shall not be profit.

As an exception, the organizer of volunteering may be a company and a public enterprise, under the conditions stipulated in this Law.

A state body, a body of an autonomous province, a body of a local authority and a body of a local community may be the organizers of volunteering in accordance with this law, other regulations and ratified international treaties.

A user of volunteering may be a natural person, a legal entity whose primary goal is not profit or a volunteer organizer, whose main goal is not gaining profit.

## **II THE PRINCIPLES OF VOLUNTEERING**

1. The principle of solidarity and promotion of volunteering

#### **Article 5**

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

2. The principle of prohibition of discrimination

#### **Article 6**

Any unjustified distinction, or unequal treatment, or the failure of the organizers of volunteering towards volunteers that constitutes discrimination under the law, unless otherwise follows from the nature of volunteer activity, the ability of each volunteer or unless otherwise provided in this law shall be prohibited.

The organizer of the volunteering and the volunteer shall be obliged to act towards the natural persons - beneficiaries of volunteering in accordance with the principle referred to in Paragraph 1 this article.

3. The principle of protection of the beneficiary of volunteering

### **Article 7**

Volunteering organizer shall be obliged to ensure that the performance of volunteer services and activities shall be carried out in a way that protects the personal integrity and the interests of volunteering beneficiaries.

4. The principle of prohibition of the abuse of volunteering

### **Article 8**

It shall be forbidden to organize volunteering in order to make profit.

Volunteering that replaces the work performed by persons in accordance with the labor regulations shall be forbidden.

5. The principle of youth protection

### **Article 9**

The regulations relating to the protection of underage persons at work shall be applied to underage volunteers and persons of age between 18 and 21 during the performance of volunteering.

6. The principle of non-remuneration for volunteering

### **Article 10**

The volunteer shall not be entitled to pecuniary remuneration or other tangible benefit for volunteering.

The compensation of volunteering expenses such as listed below shall not be considered as a pecuniary remuneration of tangible benefit:

- 1) Expenses for work clothing, tools and equipment for personal protection volunteers;
- 2) Expenses for traveling, accommodation and food for volunteers and other expenses incurred in connection with the performance of volunteer services and activities;
- 3) Expenses for medical examinations provided for purposes of volunteering;
- 4) Expenses for training to perform volunteer services and activities;

5) Expenses for insurance premiums paid in the event of injury or occupational disease during volunteering or monetary compensation for the purpose of insurance against liability for damage inflicted on the organizers of volunteering or on a third party;

6) Expenses for payment of pocket money during long-term volunteering, whose monthly amount may not be bigger than 30% of the net minimum monthly wage for full-time employment in the Republic of Serbia.

The payment of pocket money shall be stipulated by the volunteering contract.

### III REQUIREMENTS FOR VOLUNTEERING

#### **Article 11**

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

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

A person under 15 years of age may be involved in performance of educational volunteer activities in accordance with the provisions of education regulations and ratified international conventions.

Volunteers may not work at jobs that are hazardous to life or health, or are performed under conditions that are hazardous to life and health.

#### **Article 12**

If the beneficiaries of volunteering are children, people with disabilities, older persons, persons who need assistance and care of another person, sick persons or people who have totally or partially lost their legal capacity, the volunteering organizer is obliged to act with a special care in selecting and training volunteers.

Volunteering in favor of beneficiaries from the Paragraph 1 of this article may not be performed by:

- 1) A person who has been sentenced to a security measure of non hospitalized compulsory psychiatric treatment or compulsory drug or alcohol rehabilitation treatment, or to a measure prohibiting performance of his vocation, activity and duty, which is related to the activity of volunteering;
- 2) A person convicted by a final sentence for a crime against life and body, against the freedoms and rights of a man and a citizen, against sexual freedom, against marriage and family, against public health;
- 3) A person who is totally or partially deprived of his legal capacity;
- 4) A person who is wholly or partially deprived of parental rights and the person against who the measures have been imposed because of domestic violence.

#### **Article 13**

A foreign citizen and a stateless person shall have the right to volunteer in the Republic of Serbia in accordance with the law and ratified international treaties.

#### IV VOLUNTEERING ORGANIZATION REQUIREMENTS FOR BUSINESS COMPANIES AND PUBLIC ENTERPRISES

##### **Article 14**

A business company or a public enterprise may become an organizer of volunteering in accordance with this law if it:

- 1) Organizes volunteering for the common good or for the good of another person in operations that shall be outside the scope of activity of the business company or the public enterprise;
- 2) Does not gain profit in performance of volunteer services and activities;
- 3) Does not replace the work of employees and other persons employed in a commercial company or a public enterprise with volunteering.

A legal person referred to in the Paragraph 1 of this Article shall be obliged to obtain consent from the Ministry in charge of labor (hereinafter: the Ministry) for the program of volunteering.

The volunteering program, in particular, contains information about the organizer and the beneficiary of volunteering, about the place of performance and duration of volunteering, about the planned number of volunteers, a description of volunteering services and activities, data volunteer training.

The legal person referred to in the Paragraph 1 of this Article shall be obliged to submit to the Ministry, along with the volunteering program, an excerpt from the register of business entities and the rulebook on organization and systematization of workplaces, and, at the request of the Ministry, other documentation proving that the volunteering shall be performed in accordance with the Paragraph 1 of this Article.

The Ministry shall be obliged to decide, within 15 days of the receipt of the volunteering program, or addendums to the documentation, on granting or refusing consent to the volunteering program.

#### V THE VOLUNTEERING CONTRACT

##### **Article 15**

The volunteering shall be performed under a volunteering contract.

The volunteering contract shall be executed by the volunteering organizer and the volunteer.

The volunteering contract shall be executed in mandatory written form in following cases:

- 1) The long-term volunteering;
- 2) With underage volunteers;

- 3) With a foreign citizen and a stateless person;
- 4) With a citizen of the Republic of Serbia who volunteers abroad, if the volunteering organizer has its headquarters in the Republic of Serbia;
- 5) If the volunteering beneficiaries are persons from the Article 12 of this law;
- 6) At the request of volunteers, volunteering organizer, or volunteering beneficiary.

### **Article 16**

The contract on long-term volunteering executed with a foreign citizen and a stateless person shall be considered as evidence of justification of temporary residence, in accordance with the law governing the movement and stay of foreigners.

### **Article 17**

The unemployment rights shall not be lost by volunteering.

### **Article 18**

The contract on volunteering, in particular, includes:

- 1) The first and last name of the volunteer, his place of residence or temporary residence;
- 2) The name and headquarters of the volunteering organizer;
- 3) Information about the volunteering beneficiary;
- 4) Information about the location and duration of volunteering;
- 5) A description of volunteering services or activities;
- 6) Information on volunteer training;
- 7) The costs of volunteering and way of their compensation;
- 8) Other rights and obligations of a volunteer, volunteering organizer, or a volunteering beneficiary.

The volunteering organizer shall be obliged, prior to execution of the volunteering contract referred to in the Article 15, Paragraph 1, Item 5) of this Law, to obtain from volunteers a certificate of the competent authority that there are no obstacles referred to in the Article 12 of this law on the side of the volunteer.

Certificate from the Paragraph 2 of this Article may not be older than six months.

### **Article 19**

The volunteering contract shall terminate:

- 1) After expiration of the time period in which it has been concluded or by fulfillment of contractual obligations;
- 2) By agreement of the contracting parties;
- 3) By unilateral cancellation of the contract;
- 4) At the date the decision on appearance of an obstacle from the Article 12 of this law becomes final;
- 5) When a parent or guardian of a minor does not agree with continuation of volunteering;
- 6) In other cases, stipulated by a volunteering contract.

### **Article 20**

A volunteer may at any time terminate the volunteering contract in the manner prescribed for its execution, without obligation to state any reason for this.

The organizer of volunteering may terminate the contract on volunteering in following cases:

- 1) When the need for volunteering cease to exist;
- 2) If he cannot provide the conditions for further volunteering;
- 3) If a volunteer does not fulfill contractual obligations;
- 4) If a volunteer in his activities jeopardizes the volunteering beneficiary;
- 5) In other cases stipulated by a volunteering contract.

## **VI RIGHTS AND OBLIGATIONS OF VOLUNTEERS AND OBLIGATIONS OF VOLUNTEERING ORGANIZERS**

### **1. Rights of volunteers**

#### **Article 21**

A volunteer shall have the right to:

- 1) Be informed about the terms of volunteering, about services and activities to be performed, about the rights that belong to him under this law, other regulations and general acts of the volunteering organizers;
- 2) Obtain at his request, in writing, a description of volunteer services or activities;
- 3) Be informed about the code of conduct or ethical rules of conduct that are prescribed in activities wherein volunteering is performed;
- 4) Appropriate training, if such training is necessary for the performance of volunteering services and activities;

- 5) Expert assistance and support during volunteering;
  - 6) Compensation of stipulated expenses incurred in connection with volunteering;
  - 7) Safe and healthy working conditions and tools and equipment for personal protection, according to the nature of volunteer services and activities he performs;
  - 8) Be informed about the dangers and hazards that are related to volunteer services and activities he performs;
  - 9) Rest during volunteering and daily rest in stipulated time period;
  - 10) Protection of privacy and personal data;
  - 11) Be consulted when deciding on how to perform volunteer services and activities;
  - 12) Other rights determined by this law and by the volunteering contract.
2. Obligations of a volunteer

### **Article 22**

A volunteer is obliged to:

- 1) Volunteer in accordance with the law, the contract of volunteering and instructions of the volunteering organizer;
- 2) Provide services personally and directly in accordance with the rules of the profession and professional ethics, when providing the service requires specialized knowledge;
- 3) Providing services impartially, without regard to personal characteristics of beneficiaries;
- 4) Notify the volunteering organizer about the relevant circumstances which affect or could affect the performance of volunteer services and activities or which endanger his life or health, or life or health of persons with who he comes into contact during volunteering;
- 5) Guard the official secret and confidential, personal information about the beneficiary of volunteering;
- 6) Refuse volunteering which is not in accordance with the law or with the volunteering contract.

### **Article 23**

A volunteer is not obliged to volunteer in accordance with the instructions of the volunteering organizer if the execution of instructions:

- 1) May jeopardize the life and health of a volunteer, volunteering beneficiary or another person;



- 2) Is morally unacceptable for a volunteer, volunteering beneficiary or another person;
- 3) Is contrary to law or volunteering contract.

If the execution of the instructions may cause damage to the volunteer, the volunteering beneficiary, or to any third party, volunteer is obliged to warn the volunteering organizer in writing.

Volunteer is not liable for damage if he has previously warned in writing the volunteering organizers of such a possibility.

#### **Article 24**

The volunteering organizer is liable for the damage caused by a volunteer to a volunteering beneficiary or any third party in connection with the performance of volunteering services or activities.

The volunteering organizer who has compensated the damage that the volunteer had caused deliberately or with gross negligence, has the right to demand compensation for the paid amount from that volunteer.

The volunteer is responsible for damages that he had caused to the volunteering organizer deliberately or through gross negligence during exercise of volunteering service or activities.

To determine the existence of damage, its amount, the circumstances under which it occurred, the liability and method of compensation, the labor regulations shall analogously apply.

The volunteering organizer is obliged to reimburse the volunteer in case he suffers damage in connection to volunteering, unless the damage had occurred due to gross negligence of the volunteer.

### 3. Obligations of the volunteering organizer

#### **Article 25**

The organizer of volunteering shall be obliged to:

- 1) Provide safety and health to the volunteer during the performance of volunteering services and activities, in accordance with the law;
- 2) Issue a certificate to the volunteer on performed volunteering, at his request;
- 3) Provide resources for performance of volunteering services and activities;
- 4) Provide confidentiality of volunteer's personal data and privacy protection;
- 5) Provide other conditions for volunteering and the secure the rights of volunteers enacted by this law and stipulated in the volunteering contract.

Short-term volunteering certificate shall be issued at the request of a volunteer on the day of termination of volunteering.

The volunteering certificate from the Paragraph 1, Item 2) and the Paragraph 2 of this Article, in particular, includes: personal data of a volunteer, beneficiary and volunteering organizer, a brief description of volunteer services and activities, duration of volunteering and data on volunteer's training during volunteering.

The volunteering organizer is liable for accuracy of data entered into the volunteering certificate.

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

More detailed content and appearance of the volunteering certificate shall be prescribed by the Minister in charge of labor (hereinafter: the Minister).

### **Article 26**

The volunteering organizer shall be obliged to organize the training of volunteers to work with children, people with disabilities, elderly people, people who need help and care of another person, sick people or people who are totally or partially deprived of legal capacity, when such training is needed to perform volunteering services and activities.

### **Article 27**

Volunteering organizer shall be obliged to insure the volunteer against injury and professional disease during volunteering:

- 1) If that is stipulated in the contract;
- 2) In case of long-term volunteering.

## **VII VOLUNTEERING RECORDS**

### **Article 28**

A volunteering organizer is obliged to keep volunteering records.

The long-term volunteering records include: description of the volunteering program, or volunteering services and activities, the duration of volunteering, or duration of the volunteering program, the number of volunteers engaged in the volunteering program, information on the beneficiary of volunteering, volunteer's personal data, information on volunteer's training and other data of importance for volunteering.

The short-term volunteering records include: description of the volunteering program, or volunteering services and activities, information about the duration of the volunteering program and the number of volunteers involved.

The volunteering records shall begin to be kept on the day when volunteering begins, and shall stop to be kept on the day of termination of volunteering.

Content and manner of keeping records shall be prescribed by the Minister.

## **VIII RECORDS OF VOLUNTEERING ORGANIZERS**

## **Article 29**

The Ministry shall keep records of volunteering organizers.

The volunteering organizer shall be obliged to submit to the Ministry an application to organize the volunteering, performed in accordance with the provisions of this Law.

The application shall be submitted during the first organization of volunteering.

The contents of the application and the manner of registration and deletion of volunteering organizers from the records shall be prescribed by the Minister.

## **IX VOLUNTEERING REPORT**

### **Article 30**

The volunteering organizer shall be obliged to submit a report to the Ministry on volunteering by 31 March of the current year for the previous year.

The report on volunteering contains information on: the volunteering organizer, volunteering program, or volunteering services and activities, the volunteering beneficiary, volunteers and volunteering contracts.

More detailed content and manner of reporting shall be prescribed by the Minister.

## **X SUPERVISION**

### **Article 31**

Supervision over the implementation of this law, other regulations on volunteering and volunteer contracts shall be performed by the labor inspection, or administration inspection.

During the process of inspection supervision, the inspector is authorized to order the volunteering organizer to eliminate the established violation of laws, other volunteering regulations and volunteering contracts.

Volunteering organizer shall be obliged, no later than 15 days after the expiration of the deadline for the elimination of the established violation, to notify the inspection on the fulfillment of the order.

The labor inspector or the administration inspector shall submit a request to initiate infraction proceedings if he finds that the volunteering organizer, by violation of laws or other regulations governing volunteering, has committed the infraction.

## **XI PENAL PROVISIONS**

### **Article 32**

A fine of 100,000.00 to 500,000.00 dinars shall be imposed on the volunteering organizer who has a capacity of a legal person:

1) If it violates the principle of non-discrimination (Article 6);

- 2) If it organizes volunteering in order to gain profit or replaces work by volunteering (Article 8);
- 3) If it executes a volunteering contract with a minor in violation of the provisions of this law (Article 11);
- 4) If it executes a volunteering contract with a person referred to in the Article 12, Paragraph 2 of this law;
- 5) If it does not obtain the consent of the Ministry to organize volunteering in accordance with the provisions of this law (Article 14);
- 6) If it does not execute a volunteering contract with a volunteer in accordance with the provisions of this law (Article 15, paragraph 3);
- 7) If it fails to obtain a certificate from the volunteer before execution of the volunteering contract in accordance with the provisions of this law (Article 18, paragraph 2);
- 8) If it fails to issue the volunteering certificate to a volunteer or enters incorrect data into the certificate (Article 25);
- 9) If it does not keep a record of volunteering in accordance with this law (Article 28);
- 10) If it fails to report the organization of volunteering in accordance with this law (Article 29);
- 11) If it fails to deliver a report to the Ministry in accordance with this Law (Article 30);
- 12) If it fails to comply with the order of the labor inspector or the administration inspector in accordance with this law (Article 31).

If by committing the violation from the Paragraph 1, Item 2) of this Article some tangible benefit has been obtained, this benefit shall be seized.

A fine of 10,000.00 to 100,000.00 dinars shall be imposed on the official of a legal entity and the government official, territorial autonomy official and local authority official for the violation referred to in the Paragraph 1 of this Article.

## XII TRANSITIONAL AND FINAL PROVISIONS

### **Article 33**

Needed regulations for implementation of this law shall be enacted within six months from the entry into force of this law.

### **Article 34**

This law shall come into force on the eighth day following its publication in the "Official Herald of the Republic of Serbia" and shall apply after the expiry of the time period of six months from the date of its entry into force.

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- regulation published in „Official Herald of the RS”, Nos 36/2010 from 28th May 2010, entered into force on 5th June 2010

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