

WITH VOLUNTEERING  
LEGISLATIVE TOWARDS  
DEVELOPMENT  
OF LOCAL  
COMMUNITIES

# LAW ON VOLUNTEERING OF THE REPUBLIC OF SRPSKA



European Center For Not-for-Profit Law



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# **LAW ON VOLUNTEERING OF THE REPUBLIC OF SRPSKA**





# LAW ON VOLUNTEERING

## I GENERAL PROVISIONS

### Article 1

This Law defines the basic concepts related to volunteering, volunteering requirements, principles for organizing volunteering, conclusion of the volunteer service agreement requirements, rights and obligations of volunteers and organizer of the volunteering, social evaluation, stimulation and development of volunteering and other issues of importance for performance of volunteering.

### Article 2

- (1) Volunteering is an activity of general interest for the Republic of Srpska (hereinafter referred to as: the Republic) which contributes to the improvement of quality of life, the active participation of citizens in social life and the development of a more humane and egalitarian democratic society.
- (2) Experience and skills, needed and useful for active participation in society, personal development and the common good are gained through volunteering.

### Article 3

Volunteering, within the meaning of this Law, is an organized voluntary activity or provision of services or performance of activities with the aim of general and common welfare or that of another person without monetary compensation or material gain, unless otherwise provided in the Law.

### Article 4

This Law does not limit the possibility of volunteering activities that occur sporadically and spontaneously, without designated organizer of volunteering, on a voluntary basis and without compensation, with the aim of general and common welfare or that of another person, as well as voluntary educational activities for children up to 15 years organized with the aim of general and social benefit; but the provisions of this Law shall not apply to these forms of volunteering.

### Article 5

Volunteering, for the purpose of this Law, shall not be considered as:

- a) the vocational training without an employment contract which represents volunteer work governed by the regulations of labour relations or other regulations,
- b) the performance of services or activities that one person is obliged to give to another person on the basis of laws or regulations,
- v) the performance of specific obligations in accordance with court decisions,



- g) the provision of services or activities that are common in family, friendship and neighbourly relations and
- d) the performance of services or activities relating to complimentary and irreversible provision of property, cash and complimentary provision of movable and immovable property on use.

#### Article 6

Grammatical terms used in this Law to indicate either masculine or feminine gender shall include both genders.

## II VOLUNTEERING REQUIREMENTS

#### Article 7

Volunteering is an activity that may last up to 30 hours per week, with the exception of cases where the organizer of volunteering is a business organization, i.e. a public company, when the voluntary activity may last up to eight hours per month.

#### Article 8

- (1) A volunteer may be any natural person above the age of 15 who is performing volunteer services in the Republic, in accordance with this Law.
- (2) A minor volunteer is a person between 15 to 18 years of age and subjected to special protection principles for minor volunteers in accordance with Article 16 of this Law.

#### Article 9

- (1) Volunteering is organized by the organizer of volunteering.
- (2) Organizer of volunteering may be, provided he is registered or authorized by the Republic:
  - a) any legal person registered in accordance with the regulations governing the operation of associations and foundations,
  - b) government administrative body,
  - c) a local self-government unit,
  - d) a public institution,
  - e) a private institution dealing with health care, teaching and education,
  - f) a religious community.
- (3) A business organization, i.e. a public company may be the organizer of volunteering in accordance with this Law if:
  - a) it, as an organizer, engages its employees as volunteers,
  - b) the employees voluntarily volunteer,
  - c) it organizes volunteering of its employees for the common good, or good of another person in business activities outside the premises of business organization, i.e. public company in cooperation with any official organizer of volunteering defined in paragraph 2 of this Article,



- d) the performance of volunteer services and activities shall not acquire profit,
- e) volunteering shall not replace the work of employees and other persons engaged in operations of business organization or public company and
- f) volunteering is done during working hours, and the employer approved the workers who want to participate in volunteering activities to use paid leave for this purpose.

#### Article 10

- (1) A beneficiary of volunteering may be a natural person, the organizer of volunteering whose main goal is not to gain profit, or a community receiving volunteering services.
- (2) A beneficiary of volunteering may not be a business organization.

#### Article 11

- (1) In order to develop volunteering and mediation between volunteers and the organizer of volunteering in the Republic, volunteer services may be established.
- (2) Volunteer services provide services to organizers of volunteering, volunteers and beneficiaries of volunteering free of charge.
- (3) The activities of volunteer services may be performed by non-profit legal entities only.

### III PRINCIPLES FOR ORGANIZING OF VOLUNTEERING

#### Article 12

- (1) During volunteering activities, the organizer of volunteering must not lead volunteers in an unequal position, i.e. he shall not permit the treatment of volunteers that constitutes discrimination on any grounds.
- (2) The organizer of volunteering and volunteers are required to treat individuals as beneficiaries of volunteering in accordance with the principles referred to in paragraph 1 of this Article.

#### Article 13

- (1) The organizer of volunteering is required to ensure that volunteering shall be done in a manner that protects personal integrity and interest of a beneficiary of volunteering.
- (2) The organizer of volunteering is obliged to pay particular attention to the selection and training of volunteers who volunteer with beneficiaries of volunteering:
  - a) children,
  - b) persons with developmental disabilities,
  - c) persons with disabilities,
  - d) elderly and infirm persons and
  - e) the ill or persons with total or partial disability to work.
- (3) A volunteer who volunteers with beneficiaries of volunteering referred to in paragraph 2 of this Article shall possess the knowledge, experience and ability to work with these beneficiaries.



#### Article 14

Volunteering with persons referred to in Article 13, paragraph 2 of this Law is prohibited to:

- a) a person sentenced with the final convicting verdict for a criminal offence against life and body, against the freedoms and rights of citizens, against sexual integrity, against marriage and family, against the health of people, as well as persons who were sentenced with misdemeanour sanction prescribed by regulations on protection against domestic violence and
- b) a person who is taking a security measure of compulsory psychiatric treatment or mandatory addiction treatment programme or prohibition of performing professional activities or duties related to the specific activities of volunteering.

#### Article 15

- (1) Volunteering may not be organized for the purpose of gaining profit.
- (2) It is forbidden to organize volunteering to replace operations performed by individuals in accordance with labour regulations.

#### Article 16

- (1) Regulations relating to occupational health and safety of minors are applied to minor volunteers while performing volunteering.
- (2) Minor volunteers may volunteer only with a signed volunteer service agreement in writing and with the written consent of their legal representative, unless the organizer of volunteering is an educational institution.
- (3) Minor volunteer may volunteer exclusively in activities in accordance with his age, physical and mental development level and skills that do not pose a risk to his health, development and success in carrying out his student duties.
- (4) Minor volunteers perform volunteering under mandatory supervision of organizer of volunteering.
- (5) Minor volunteer may not volunteer for hard work, the works that are done under water or under ground, as well as other activities that could pose an increased risk to his life, health, physical and mental development, sexual integrity and performance at school.
- (6) Persons under 18 are prohibited from volunteering from 08.00 p.m. to 07.00 a.m. the following day.
- (7) The organizer of volunteering is obliged to pay special attention to protection of health and well-being of minor volunteers.
- (8) Minor volunteer has all the rights of the volunteer prescribed by this Law.

### IV VOLUNTEER SERVICE AGREEMENT

#### Article 17

- (1) The relationship between a volunteer and the organizer of volunteering may be regulated by volunteer service agreement to be concluded in writing.
- (2) The written form of conclusion of the agreement and permanent supervision of the organizer of volunteering in performing volunteering activities is obligatory:





- a) when engaging a minor volunteer between the age of 15-18,
  - b) when it is required by the volunteer and
  - c) when the beneficiary of volunteering is a child, a person with developmental disabilities, a person with disabilities, an old and infirm person, an ill person or a person with total or partial disability to work.
- (3) At the conclusion of the volunteer service agreement with the persons referred to in paragraph 2, item c) of this Article, volunteers are required to submit to the organizer of volunteering a verified statement attesting that they are not sentenced of penalties and security measures as referred to in Article 14 items a) and b) of this Law,
- (4) By concluding the volunteer service agreement rights on the basis of unemployment or employment shall not be lost.

#### Article 18

- (1) Volunteer service agreement must contain the following information on:
- a) the contracting parties, the place of their residence or headquarters, and the details of the legal representative in case of a minor volunteer,
  - b) the place of volunteering and the duration of volunteering,
  - c) the volunteering activities or services to be performed,
  - d) the written consent of the legal representative in case of a minor volunteer,
  - e) the costs related to the conduct of volunteer work and the way they are compensated,
  - f) the method of supervision of volunteers by the organizer of volunteering in case of a minor volunteer or if beneficiaries of volunteering are persons as referred to in Article 13, paragraph 2 and
  - g) special rights and responsibilities of volunteers.
- (2) Volunteer service agreement may also contain other specific elements relevant to particular forms of volunteering.

#### Article 19

Principles governing the contractual relationships shall be applied to the relationships of the volunteer service agreement that are not regulated by this Law.

## V RIGHTS AND OBLIGATIONS OF A VOLUNTEER AND THE ORGANIZER OF VOLUNTEERING

#### Article 20

A volunteer shall be entitled to:

- a) registration of volunteer activities in the volunteer booklet,
- b) be introduced to the ethical standards relevant to a particular form of volunteering,
- c) appropriate training in order to improve the quality of the activities performed and services provided, particularly if those are required by the nature of volunteer activities and services provided,
- d) professional assistance and support during volunteering,



- e) be informed in writing with the terms of volunteering, activities to be performed, services to be provided and the rights under this law and other regulations, as well as general acts of the organizer of volunteering,
- f) reimbursement of contracted costs incurred in connection with volunteering,
- g) safe working conditions in accordance with the nature of volunteer activities performed,
- h) protective equipment in accordance with the nature of volunteer activities performed and services provided,
- i) be acquainted with the dangers relating to the specific form of volunteering to be performed,
- j) a daily break in a period agreed,
- k) protection of privacy and personal data and
- l) participate in making decision on issues related to volunteering.

#### Article 21

- (1) Previously announced or justified leave of absence from volunteering may not be a reason for the loss of any of the rights of the volunteer.
- (2) Special rights of the volunteer not prescribed by this Law may be regulated by volunteer service agreement.

#### Article 22

- (1) A volunteer shall be obliged to:
  - a) volunteer in accordance with the rules and instructions of the organizer of volunteering,
  - b) preserve confidentiality and personal information of the beneficiary or the organizer of volunteering,
  - c) refuse volunteering contrary to this Law and
  - d) promptly inform the organizer of volunteering in case of justified prevention from or intention to discontinue performing volunteering.
- (2) Responsibility of a volunteer is to carry out the instructions of the organizer of volunteering, excluding the instructions regarding volunteering which are as follows:
  - a) illegal,
  - b) dangerous to life or health of a volunteer, a beneficiary of volunteering in case of a natural person or other natural persons,
  - c) presenting danger to persons' property,
  - d) morally and ethically unacceptable for a volunteer and
  - e) contrary to volunteer service agreement.
- (3) If a volunteer considers or knows that the execution of the instructions may cause damage to a volunteer, beneficiaries of volunteering or third parties, he shall be required to alert the organizer of volunteering.
- (4) A volunteer shall not be liable for the damage caused if he previously warned the organizer of volunteering of such a possibility, unless his responsibility is stipulated by another law.

#### Article 23

- (1) The organizer of volunteering shall be obliged to:



- a) ensure the protection of a volunteer while performing volunteer work prescribed in accordance with the law governing occupational safety,
  - b) respect the rights of a volunteer,
  - c) carry out contractual obligations towards a volunteer,
  - d) ensure the conditions for respecting the rights of a volunteer,
  - e) document volunteer activities of a volunteer in volunteer booklet,
  - f) provide materials and resources for performance of volunteering activities,
  - g) ensure reimbursement of the contracted cost to a volunteer,
  - h) provide a volunteer with confidentiality of personal information and protection of privacy,
  - i) enable volunteers to use additional paid day off if volunteering is organized by a business organization or a public company and
  - j) ensure other conditions and rights prescribed by this Law.
- (2) The organizer of volunteering shall be obliged to provide a volunteer with insurance coverage against occupational diseases and consequences of accidents at work in case of:
- a) volunteering in conditions dangerous to life and health of a volunteer
  - b) if so agreed.

#### Article 24

Upon the request of the Ministry of Family, Youth and Sports (hereinafter referred to as: the Ministry), the organizer of volunteering shall be obliged to deliver a report with the requested data on services and activities performed as provided by this Law within 30 days from the day of the receipt of the request.

#### Article 25

If agreed or provided by law, monetary compensation or material gain of volunteers is not considered compensation incurred as a cost of volunteering:

- a) monetary compensation for the purchase of work-clothes, accessories and protective equipment necessary for volunteering, with a receipt of payment,
- b) monetary compensation for the purpose of travel costs, accommodation and meals incurred during volunteering activities, with a receipt of payment,
- c) monetary compensation for the purpose of feeding, care and training of animal owned by volunteer and participating in volunteer activities, with a receipt of payment,
- d) monetary compensation for the purpose of receiving medical services and vaccines,
- e) monetary compensation for training costs required for volunteering,
- f) monetary compensation for insurance premiums of volunteers covering death, physical injury or occupational disease during volunteering, i.e. monetary compensation for the purpose of liability insurance for damage caused to the organizer of volunteering or a third party,
- g) monetary compensation to obtain documents or pay administrative fees required for volunteering,
- h) monthly costs of food and transportation for volunteer amounting to total of 30% of the average monthly net salary in the Republic according to the latest official data of the republican authorities on charge of statistics and



- i) paid cash amounts to the winners of the National volunteer service award or the volunteer service award (hereinafter referred to as: the award) defined by the local self-government units.

#### Article 26

- (1) A volunteer who, during volunteering intentionally or due to gross negligence, causes damage to a beneficiary of volunteering, the organizer of volunteering or third parties shall be obliged to pay for the damage in accordance with the general regulations governing contractual relations.
- (2) The organizer of volunteering shall be liable for the damage caused to beneficiaries of volunteering or third parties by a volunteer during volunteering according to the principle of strict liability, unless it may be proved there were reasons to exclude his responsibility.
- (3) The organizer of volunteering who compensated for the damage to a beneficiary of volunteering or a third party has the right to seek damages from a volunteer if it is proved that a volunteer caused damages intentionally or by gross negligence.

## VI SOCIAL EVALUATION, STIMULATION AND DEVELOPMENT OF VOLUNTEERING

#### Article 27

- (1) The Republic and local self-government units in accordance with their respective jurisdictions may establish measures and activities aimed at supporting the development and promotion of volunteering in the Republic.
- (2) Measures and activities referred to in paragraph 1 of this Article shall apply to: adoption of strategies and policies at the level of the Republic and local self-government units, support to establishment, operation and networking of volunteer services, establishment of volunteer services and awarding legal and natural persons contributing their work to the development of volunteering and implementation of measures of the adopted strategies and policies.
- (3) The Ministry shall fund the support to the development and promotion of volunteering on the basis of the Book of Rules on financing of measures and activities to support the development and promotion of volunteering issued by the Minister of Family, Youth and Sports (hereinafter referred to as: the Minister).
- (4) Book of Rules under paragraph 2 of this Article shall closer determine the criteria of funding volunteer activities, the method of funding, the measures and desired effects of volunteering, reporting upon completed activities and the control of designated expenditure of allocated funds.

#### Article 28

The role and importance of volunteering is transferred to children and youth by formal and informal education.

#### Article 29

- (1) An award is the highest recognition awarded by the Republic for volunteering and contributing to promotion of volunteering.



- (2) An award referred to in paragraph 1 of this Article shall be awarded by the Ministry.
- (3) Funds for the award shall be provided in the budget of the Republic of Srpska.
- (4) Types, criteria, amount, procedures and conditions for obtaining the award under paragraph 1 of this Article shall be prescribed by the Book of Rules on awarding the National volunteer service award, issued by the Minister.

#### Article 30

Local governments may, in accordance with its responsibilities, prescribe specific forms of awarding volunteering.

#### Article 31

- (1) A business organization, i.e. a public company may support the development and promotion of volunteering by allocating financial resources to the organizer of volunteering for this purpose.
- (2) A business organization, i.e. a public company may support the development and organization of volunteering also by provision of equipment, food, clothing and other goods needed to perform volunteering activities.

#### Article 32

- (1) Volunteering experience and involvement shall be recorded in volunteer booklet.
- (2) The content and layout of volunteer booklet shall be prescribed by the Book of Rules on volunteer booklet, issued by the Minister.

## VII SUPERVISION AND PENALTIES

#### Article 33

Administrative supervision over the implementation of this law and regulations adopted thereunder shall be performed by the Ministry.

#### Article 34

Inspection supervision over the implementation of the provisions of this Law shall be conducted by the Republic Administration of Inspection Activities of the Republic of Srpska through competent inspectors, and in accordance with the authorities provided by this Law and the law governing the organization of work of the Republic Administration of Inspection Activities of the Republic of Srpska.

#### Article 35

- (1) A fine ranging from 3,000 to 10,000 KM shall be levied on the organizer of volunteering as a legal entity if he:
  - a) organizes volunteering contrary to Article 9, paragraph 3 of this Law,
  - b) treats volunteers contrary to the provisions of Article 12 of this Law,



- v) organizes volunteering contrary to the provisions of Article 15 of this Law,
  - g) recruits minor volunteers contrary to the provisions of Article 16 of this Law,
  - d) recruits a volunteer contrary to article 17, paragraph 2 of this Law,
  - đ) recruits a volunteer without the necessary statements in accordance with Article 17, paragraph 3 of this Law,
  - e) fails to perform the obligations in accordance with Article 23 of this Law and
  - ž) fails to submit a report upon the request of the Ministry in accordance with Article 24 of this Law.
- (2) A fine of 1,000 to 3,000 KM for the offense referred to in paragraph 1 of this Article shall be levied also on the responsible person in the legal entity.

#### Article 36

A fine ranging from 3,000 to 10,000 KM for the offense shall be levied on the natural person if volunteering contrary to Article 14 of this Law.

## VIII TRANSITIONAL AND FINAL PROVISIONS

#### Article 37

- (1) The Minister shall in six months' time from the entry into force of this Law issue:
- a) the Book of Rules on financing of measures and activities to support the development and promotion of volunteering (Article 27),
  - b) the Book of Rules on awarding the National volunteer service award (Article 29) and
  - c) the Book of Rules on volunteer booklet (Article 32).
- (2) Until the issuance of the rulebooks referred to in paragraph 1 of this Article, by-laws issued in accordance with the Law on Volunteering ("Official Gazette of the Republic of Srpska", No. 73/08) shall be applied, unless they are contrary to this Law.

#### Article 38

On a day of entry into force of this Law the Law on Volunteering ("Official Gazette of the Republic of Srpska", No. 73/08) ceases to be valid.

#### Article 39

This law shall enter into force eight days after being published in the "Official Gazette of the Republic of Srpska".

No: 01- 2104/13

Date: October 3, 2013

PRESIDENT  
OF THE NATIONAL ASSEMBLY  
*Mr Igor Radojičić*



