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Polish Draft Law on Public Benefit Activity and Volunteerism

(relevant excerpts)

Art. 2

Wherever this law refers to a:

- 9) **volunteer** - it refers to a person, that performs, on a voluntary basis and without compensation within the understanding of the Labor Code, services, based on the rules put forth in this law.

Part III

Volunteers

Chapter 1

General Regulations Concerning Volunteers

Art. 41

1. Based on the rules defined here, volunteers may perform services, which correspond with employment services, for:
 - 1) non-governmental organizations, within the scope of their statutory activities, particularly public benefit activities,
 - 2) public administration bodies, except services within the scope of the body's economic activities, and
 - 3) sub-units of public administration bodies or other units controlled by such bodies, except services within the scope of economic activities practiced by those units, hereafter "beneficiaries."
2. The regulations of this chapter appropriately apply to volunteers performing services for international organizations in the territory of the Republic of Poland, if this is not contrary to international agreements.

Art. 42

1. Volunteers' services are performed in accordance with the framework, characteristics, and time period defined in an agreement with the beneficiary.
2. At the volunteer's request, the beneficiary is obliged to provide a written confirmation of the content of the above-mentioned agreement, as well as a written confirmation:
 - 1) that services were performed by the volunteer,
 - 2) of completion of the services performed by the volunteer, and, at his request, a description of the scope of the volunteer services.

Art. 43

Chapter 6 of the Act on Employment and Counteracting Unemployment, of 14 December 1994 (Dz.U. z 2001 r. Nr 6, poz.56) does not apply to volunteers.

Chapter 2 Specific Regulations

Art. 44

1. The beneficiary described in Art. 41(1)(1), may:
 - 1) provide a volunteer, as specified in other regulations concerning workers, with necessary medical exams, personal safety equipment as well as accident insurance for his work within the scope of activities conducted for the beneficiary.
 - 2) cover expenses, as specified in other regulations concerning workers, of business travel and other necessary costs, including per diems, incurred by the volunteer within the scope of activities conducted for the beneficiary.
1. The beneficiary described in Art. 41(1)(2,3) is required to provide the benefits and cover the expenses described in Art. 44(1), unless the volunteer executes a written release, waiving his right to these benefits.
2. If the beneficiary described in Art. 41(1)(2,3) enters into an agreement with a volunteer for performance of services in the territory of a country other than the Republic of Poland on the basis of a treaty between the Republic of Poland and the appropriate administrative body of the other country, the volunteer is entitled to benefits and coverage of expenses that are customary under such circumstances, and not contrary to other laws, international agreements and rules of the appropriate administrative body of the country where the volunteer is to serve.

Art. 45

Expenditures for the aims stated in Art. 44 are treated as:

- 1) costs of carrying out statutory activities of non-governmental organizations as beneficiaries
- 2) costs of the beneficiaries, as stated in Art. 41(1)(2,3)

Art. 46

The value of a volunteer's services does not constitute a contribution to the beneficiary within the understanding of the Civil Code and tax regulations.

Art. 47

1. A volunteer may take advantage of social security benefits in accordance with the rules defined in the regulations on the social security system and paragraph 2 below.
2. A beneficiary described in Art. 41(1)(2,3) has the obligation to provide at its expense social security benefits and health insurance benefits, within the universal health coverage system, for the volunteer, unless the volunteer has gained the right to these benefits on other basis.