

LAW ON VOLUNTEERING

Official Gazette of Republic of Macedonia no. 85 from 09.07.2007

I. General Provisions

Article 1

This Law regulates the volunteering, the conditions and the manner of performing volunteering, the rights and obligations of the volunteers and of the organizer of the volunteering, the contract for volunteering and the records of the volunteering.

Article 2

The volunteering is an activity that is of interest for the Republic of Macedonia, which contributes for improvement of the quality of life, with active participation of people in the social life, as well as for development of human and egalitarian democratic society.

Article 3

The term volunteering stands for voluntary provision of personal services, knowledge and skills and/or performing of other activities for the benefit of other people, bodies, organizations and other institutions without compensation.

This Law does not limit the possibility to provide volunteer services that are inconsistent or accidental by nature, on voluntary basis, without compensation.

The term volunteering, according to this Law, does not mean performing volunteering experience, according to the Law on Labor Relations.

Article 4

A volunteer is a natural person that provides services, skills and knowledge for the benefit of other people, bodies, organizations and other institutions on voluntary basis and without financial or any other personal gain.

II. Conditions and the manner of volunteering

Article 5

A volunteer can be a domestic or foreign physical person.

A volunteer can also be a minor with a written consent by his/her parents or guardians.

A contract for volunteering with a minor can be concluded only with a written consent from his/her parents or guardians.

The provisions from the Law on Labor Relations, which refer to the protection of persons between 15 and 18 years of age, shall be applied appropriately to the minors that do volunteering.

Article 6

Organizers of volunteering can be:

- association of citizens and foundation;
- religious community or religious group;
- public institution; and
- state body.

The organizer of a volunteering from paragraph 1 of this Article determines the need of engagement of volunteers, the types of services and the manner and procedures of providing them, based on a program for volunteering.

Article 7

A citizen of the Republic of Macedonia can do volunteering in other states, according to the provisions of the state in which he/she volunteers and the ratified international agreements.

Article 8

A foreigner can volunteer in the Republic of Macedonia, based on the previously granted consent from the Ministry of Labor and Social Politics and regulated stay in the Republic of Macedonia.

The organizer of the volunteering is obligated within 60 days from the day of issuing of the consent from paragraph 1 of this Article, to inform the Ministry of Labor and Social Politics for the commencement of the volunteering by a foreigner.

The manner, procedure and the records for issuing the consent from paragraph 1 of this Article shall be determined by the Minister of Labor and Social Politics.

Article 9

The organizer of the volunteering must not put the volunteer in unfair position on the basis of his/her the race, skin color, gender, age, health condition, respectively invalidity, religious, political or other conviction, national or social background, family status, property condition, gender orientation or because of other personal circumstances.

III. Rights and obligations of the volunteer and the organizer of volunteering

Article 10

The volunteer is entitled:

- to receive in a written form the description of the rights and obligations that he/she should fulfill and to be familiarized with the conditions and dangers during the volunteering, before the start of the volunteering.
- to be familiarized with the general acts of the organizer of the services, i.e. of those parts that refer to the volunteer services, for which he/she is engaged;

- to use the assets for protection during work, according to the provisions for protection at work;
- to be trained, if that is necessary for provision of the service which is the object of the contract;
- to leave of absence during the volunteering if there are justified reasons for that;
- to daily rest;
- to be consulted and informed while making a decision on the manner of granting the services;
- to compensation of the previously agreed expenses related to the volunteering (food allowance, transport expenses to and from the place of volunteering, expenses for official travels and training expenses); and
- protection and privacy of the personal data.

The expenses from paragraph 1, line 8 of this Article that the volunteer may have, in the duration of the volunteering, shall be paid in the same amount as for the employees of the organizer of the volunteering.

A volunteer who is a foreign natural person, besides the right from paragraph 1 of this Article is also entitled to expenses for the stay, health insurance and travel expenses for the return trip.

Article 11

The volunteer is obligated to:

- inform the organizer of the volunteering about the illness or other reasons that prevent him/her from giving the services;
- give service according to the law, volunteering contract and the general acts of the organizer that he/she was previously introduced to;
- give services personally and directly;
- participates in the training, in order to provide quality service;
- keeps the confidential data, i.e. the classified data of the organizer of the volunteering, that he/she was introduced to before giving the service; and
- inform the organizer of the volunteering about the harmful consequences that he/she is familiar with and which may damage the organizer, the volunteer personally or any third parties.

If the volunteer has previously informed the organizer on the damaging consequences related to paragraph 1, line 6 of this Article, he/she will not be held liable for the caused damage.

Article 12

The volunteer who while giving the volunteer services will cause damage on purpose or out of negligence to the organizer of the volunteering, is obligated to compensate the damage to the organizer of the volunteering, according to the provisions from the Law on Obligatory Relations.

The organizer of the volunteering, is obligated to compensate the damage to the volunteer, caused during or in relation to the volunteer services, according to the provisions from the Law on Obligatory Relations.

The volunteer who during or in relation to the volunteer services will cause damage to third parties, is obligated to compensate it, according to the provisions from the Law on Obligatory Relations.

Article 13

The organizer of the volunteering, is obligated to:

- provide conditions for performing the volunteering according to the law and the contract for volunteer service;
- issue to the volunteer a volunteer booklet for volunteering and to state in it the data stipulated in this Law;
- provide materials and assets for performing the volunteering;
- provide payment of the previously agreed expenses in due time;
- provide confidentiality of the data and protection of privacy;
- provide other conditions stipulated with this Law or that were agreed mutually between them; and
- provide insurance from professional diseases and injury at work during the volunteering, according to the provisions for pension and invalidity insurance and the provisions for health insurance, if it was so agreed.

Based on the expenses related to the volunteering, determined in the contract, the personal income tax shall not be paid, according to the provisions from the Law on Personal Income Tax.

IV. Volunteering Contract

Article 14

The organizer of the volunteering is obligated to conclude a volunteering contract with a volunteer-domestic natural person in a written form, for volunteering work which is in duration of more than 40 hours per month.

The organizer of the volunteering can conclude a volunteering contract with a volunteer-domestic natural person for volunteering work which is in duration of less than 40 hours per month.

The organizer of the volunteering is obligated to conclude a volunteering contract with a volunteer-foreign natural person in a written form, for all types of volunteer services.

The volunteering contract shall contain the following elements:

1. Contracting parties:
 - organizer of the volunteering (title and seat)
 - volunteer (name, surname, address of dwelling, respectively residing);
2. Object of the contract;
3. Place of volunteering and duration of the volunteering, and if there is no only one position, than stating only the places where the services will be provided;
4. Volunteering activities or services that are provided;
5. Separate rights and obligations;

6. Type of insurance during the volunteering, while coming and going back from the place of volunteering and other activities planned during the time of volunteering;
7. Previously agreed expenses for the volunteering and the manner of compensating them;
8. Manner of ending and terminating the volunteering contract; and
9. Date and time of concluding the contract.

Article 15

For issues that may emerge from the volunteering relations, and which are not regulated with this law, the provisions from the Law on Obligatory Relations shall be applied.

Article 16

The volunteering contract shall end:

- by the expiration of the time limit that the contract was signed for or by fulfilling the conditions for which the contract was signed for.
- termination by mutual consent;
- when the organizer of the volunteering ceases to work and has no legal successor;
- on the day of the final decision for revoking the work capability of the volunteer; and
- expiration of the permit for stay in the Republic of Macedonia.

The volunteer may cancel the contract even before the expiration of the time the contract was concluded for, with a written statement, without being obligated to state the reason for canceling the contract, except in case when the contract cancellation may cause harmful consequences in the work of the organizer of the volunteering or to third parties.

The organizer of the volunteering may cancel the volunteering contract as follows:

- if the need for volunteering has ceased;
- when he/she can not fulfill the conditions for volunteering;
- when he/she determines that the volunteer does not fulfill the contractual obligations; and
- in the case of violation of the ethical norms, passed for certain types of volunteering.

The contractual party is obligated to submit the written statement for cancellation of the contract to the other contractual party within five days before canceling the contract.

Article 17

The organizer of the volunteering must not conclude a volunteering contract in order to avoid concluding an employment contract.

Article 18

By concluding a volunteering contract, the rights acquired based on the unemployment status shall not be lost, according to the provisions for employment and insurance in case of unemployment.

V. Records on the Volunteering Work and Volunteering Booklet

Article 19

The organizer of the volunteering is obligated to keep records for the volunteering of all the volunteers.

The manner of keeping records from paragraph 1 of this Article shall be determined by the Minister of Labor and Social Politics.

Article 20

The volunteer booklet is a public document.

The volunteer booklet contains data on the type and duration of the volunteering and the type of training that the volunteer was trained on during the volunteering period.

The form and the content of the volunteer booklet, the manner of issuing it and manner of registering the data, shall be determined by the Minister of Labor and Social Politics.

VI. Supervision

Article 21

The supervision over the enforcement of the provisions from this Law shall be performed by the Ministry of Labor and Social Politics.

The inspection supervision shall be performed by the State Labor Inspectorate, through the labor inspectors.

VII. Misdemeanor Provisions

Article 22

A fine in the amount of 500 to 1000 euros in denar equivalent amount shall be pronounced for a misdemeanor of the responsible entity with the organizer of the volunteer work if he/she:

- does not inform the Ministry of Labor and Social Politics for the start of volunteering of a foreign person (Article 8, paragraph 2);
- acts contrary to Article 9 of this Law;
- does not compensate the damage to the volunteer (Article 12, paragraph 2);
- acts contrary to Article 13 of this Law;

- does not conclude volunteering contract in written form (Article 14 paragraph 1 and 3); and
- does not keep records on the volunteer work (Article 19 paragraph 1).

Article 23

The fine in the amount of 1500 to 2000 euros in denar equivalent amount shall be pronounced for a misdemeanor of the responsible entity with the organizer of the volunteer work if he/she concludes a contract in order to avoid conclusion of an employment contract (Article 17).

Article 24

The fine in the amount of 50 to 200 euros in denar equivalent amount shall be pronounced for a misdemeanor of the volunteer if he/she:

- acts contrary to Article 11 paragraph 1 of this Law; and
- does not compensate the damage (Article 12 paragraphs 1 and 3).

VIII. Transitional and Final Provisions

Article 25

The sub-regulations stipulated with this Law shall be passed within three months from the day of entry into force of this Law.

Article 26

This Law shall enter into force at the eighth day from the day of its publishing in the "Official Gazette of the Republic of Macedonia".