

ACT 6/1996 OF 15 JANUARY  
ON VOLUNTEERISM



MINISTERIO DE TRABAJO  
Y ASUNTOS SOCIALES

SECRETARÍA GENERAL DE ASUNTOS SOCIALES  
Dirección General de Acción Social del Menor y de la Familia

*ACT 6/1996 of 15 January on  
Volunteering.*

JUAN CARLOS I  
KING OF SPAIN

Know all men by these presents:  
That Parliament have approved and I hereby sanc-  
tion the following Act:

STATED PURPOSE

I

In any modern State governed by Rule of Law, pro-  
vision must be made for the regulation of action under-  
taken by citizen groups formed in the public interest, in  
recognition of the fact that the satisfaction of public  
needs is no longer considered to be a responsibility  
incumbent on the State alone, but rather a shared task,  
involving both State and society.

The State needs responsibilities to be assumed by  
citizens, who, in turn, are claiming a more and more  
active role in finding solutions to the problems that  
affect them.



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This growing awareness of social responsibility has led citizens, individually on occasion but especially through organisations constituted around the principles of solidarity and altruism, to play an increasingly relevant role in the design and implementation of action intended to contribute to the common good and in particular to eradicate marginalisation and build a solidary society in which all its citizens enjoy a decent quality of life.

One clear sign of this social initiative is the existence of volunteerism, a form of solidarity that draws on attitudes of freedom and altruism.

Today volunteer action has become one of the basic tools used by civil society to exert social influence and consequently to claim a more active role, which translates, in more specific terms, into a demand for greater participation in the design and implementation of public social policy.

Moreover, art. 9.2 of our Constitution expressly acknowledges citizens and citizen groups the right to such participation which, by virtue of the same article, must be promoted, encouraged and protected by public authorities.

The assumption of this triple task by the State entails, firstly, guaranteeing citizens' freedom to express their solidary commitment through the channels best suited to their own private motivations. Secondly, as indicated above, it involves the State's obligation to effectively recognise, promote and encourage the various modes of volunteer action. Finally, it signifies abiding by the distribution of competence provided in the Constitution and taking account, therefore, of any rules that have been or may

be enacted on this very subject by the Autonomous Regions.

The present Act pursues these three objectives. In so doing, it expands the frequent but narrow interpretation of volunteer as someone involved in mere charity work to include other domains in which civic action is an equally valuable and necessary concomitant to public activity. From education to sports, from civic to social concerns, the Act addresses what has come to be common practice on the part of those who unselfishly endeavour to build a better society for all.

Volunteerism so construed must also mean more than mere good will or individual, isolated and sporadic, well-intentioned but ineffectual action and should, therefore, be re-steered towards private and public organisations able to turn volunteer effort, enthusiasm and dedication to synergetic advantage.

As far as the second of the objectives mentioned is concerned, in addition to the recognition of volunteerism as a social phenomenon, the Act envisages a series of measures designed to support the activities undertaken and enhance the level of social involvement.

Finally, pursuant to the constitutional distribution of competence, the promotion and furthering of volunteerism is not exclusively incumbent on the State, for which reason the Act limits its scope of application to volunteers or organisations participating in or implementing nation-wide or inter-regional programmes, and those participating in programmes addressing activities in areas in which competence is reserved to the State.

The Act embraces the features generally accepted to define volunteer activity, namely: it is altruistic and solidary in nature; it is characterised by freedom, i.e., it does not ensue from any obligation or duty on the volunteer's part; it is gratuitous, insofar as no financial compensation of any kind is involved; and, finally, it is practised through a public or private organisation. The Act, then, addresses organised volunteerism, i.e., activities conducted under the auspices of a public or private entity, excluding isolated or sporadic action undertaken out of friendship, benevolence or public spirit.

Pursuant to the Act, volunteer action is fully distinguished from any form of remunerated service, be it civil, mercantile or as an employee or public official.

This distinction between volunteer and paid employee is further reinforced by the establishment of a wide range of volunteer rights and obligations, which must be honoured and observed by both organisations and volunteers, whereby the Act is the most relevant reference text in the event of any dispute that may arise between the two.

The rights and obligations envisaged in the Act mirror the rights and obligations set out in the various international Recommendations on the matter, a well as those laid down in the "European Volunteer Charter" proposed by Volunteuropa and the "Universal Declaration on Volunteerism" formulated by the volunteers themselves in the World Congress held in Paris in 1990, an initiative of the International Association of Volunteer Efforts. In this same vein,

these rights and obligations are commensurate with the terms of the Volunteer Charters of the NGOs in our country reputed for their experience in this regard.

As indicated above, the Act on Volunteerism only addresses activities performed through a private or public organisation.

The Act makes no distinction where actual circumstances have made none and addresses volunteerism in all its diversity, without coining new terminologies which would contribute nothing to clarify the already rich and complex associational scenario in Spain. Consequently, any public or private organisation meeting the requirements set out in the Act (non-profit making, legally constituted, bestowed with legal personality and conducting programmes in the framework of the activities in the public interest mentioned in the Act itself) may enlist the co-operation of volunteers, in which case it is subject, insofar as the volunteers are concerned, to the legal regime established in the Act.

The Act envisages a series of measures to contribute to the furtherance of volunteerism. These measures are intended to encourage volunteer work without detracting from its solidary, altruistic and gratuitous nature, while at the same time recognising that such activities are immensely beneficial to society as a whole. Thus, for instance, it envisages Central Administration furtherance of mechanisms for technical assistance, training programmes, information services and publicity campaigns to enhance the awareness

and appreciation of volunteer activities. Provision is likewise made for the expression of social recognition and gratitude to volunteers for their action.

Finally, the Act addresses the situation of volunteers abroad, extending its scope of application to cover this contingency.

## TITLE I

### General provisions

#### Article 1. *Object*

The purpose of the present Act is to promote and facilitate citizens' solidary participation in volunteer activities within public or private not-for-profit organisations.

#### Article 2. *Scope*.

1. This Act shall be applied to volunteers participating in nation-wide or inter-regional programmes, and to the respective organisations insofar as they implement such programmes.

2. It shall likewise be applied to volunteers and organisations participating in programmes that conduct activities in areas in which the State and the State alone is competent.

#### Article 3. *Notion of volunteer work*.

1. For the intents and purposes of the present Act, volunteerism shall be understood to be the suite of ac-

tivities conducted by natural persons in the public interest, providing such activities involve no employment, civil service, mercantile or any other remunerated relationship and they meet the following requirements:

- a) They are altruistic and solidary in nature.
  - b) They are freely performed and not due to any personal obligation or lawful duty.
  - c) They are subject to no financial compensation, without prejudice to entitlement to reimbursement of expenses that performance of the volunteer activity may entail.
  - d) They are conducted through private or public organisations and in accordance with specific programmes or projects.
2. Isolated, sporadic action or action performed outside not-for-profit public or private organisations, undertaken for reasons of family ties, friendship or public spirit.
3. Volunteer activity may under no circumstances replace remunerated work.

#### Article 4. *Activities in the public interest*.

For the intents and purposes of the provisions laid down in the preceding article, activities in the public interest are understood to mean charity, social service, civic, educational, cultural, scientific, sports and health activities, co-operation for development, environmental conservation, defence of the economy or research, development of associational life, promotion of volunteerism or any other activity of a similar nature.

## TITLE II

### Volunteers

#### Article 5. *Definition of volunteer.*

Volunteers shall be defined to be natural persons who freely undertake to conduct the activities specified in articles 3 and 4.

#### Article 6. *Volunteer rights.*

Volunteers shall be entitled to:

- a) Receive both initial and ongoing information, training, guidance, support and, as appropriate, any material resources required to carry out their assignments.
- b) Be treated fairly and indiscriminately in a manner respectful of their freedom, dignity, privacy and beliefs.
- c) Participate actively in the organisation of their affiliation, co-operating in programme formulation, design, implementation and assessment, in accordance with institutional by-laws or rules of procedure.
- d) Be insured against the risks of accident and disease directly deriving from the exercise of the volunteer activity, under the terms and for the sums lawfully stipulated.
- e) Be reimbursed for the expenses incurred in the performance of their activities.
- f) Be furnished with credentials identifying them as volunteers.

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- g) Conduct their activity under suitable conditions of safety and hygiene in keeping with the nature and characteristics of the assignment.
- h) Obtain respect for and recognition of the social value of their contribution.

#### Article 7. *Volunteer obligations.*

Volunteers are obliged to:

- a) Honour the commitments undertaken with the organisations of their affiliation, respecting institutional aims and regulations.
- b) Respect the confidential nature of the information received and acquired in the course of their volunteer activities, as appropriate.
- c) Reject any tangible compensation that might be received from the beneficiary or other persons involved in the action performed.
- d) Respect the rights of the beneficiaries of their volunteer action.
- e) Act diligently and solidarily.
- f) Participate in the training tasks envisaged by the organisation, specifically for the activities and functions assigned to them as well as any other ongoing training needed to maintain the quality of the services rendered.
- g) Follow the instructions received in the performance of their assignments, in accordance with the aims pursued.
- h) Make proper use of the organisation's credentials, badges and so on.
- i) Make due, respectful and careful use of the material resources made available to them by the organisation.

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### TITLE III

#### Relations between volunteers and the organisations to which they belong

##### Article 8. *Organisations.*

1. Organisations enlisting volunteers must be legally constituted, have legal personality, be non-profit making and implement programmes in the framework of activities in the public interest as specified in article 4 of this Act. The respective Ministries may grant subsidies to or establish conventions with volunteer institutions, drawing on the funds authorised for this purpose, providing the requirements laid down in the general legislation on subsidies are met and grants are made transparently and equitably, following the criteria and procedures established in lawful regulations.

2. Such organisation must, in any case:

- a) Honour the commitments undertaken with volunteers in the affiliation agreement.
- b) Substantiate the taking of an insurance policy in keeping with the characteristics and circumstances of the activity conducted by volunteers to cover their risks of accident and disease directly deriving from the performance of the volunteer activity, subject to the terms and for the sums lawfully established.
- c) Defray the costs deriving from the service rendered and vest volunteers with suitable resources to carry out their assignments.
- d) Establish internal systems for the provision of suitable information and guidance for the tasks entrusted to volunteers.

e) Provide volunteers with the necessary training to conduct their activities properly.

f) Guarantee that volunteers perform their activities under proper conditions of safety and hygiene and in keeping with the nature and characteristics of such activities.

g) Furnish volunteers with credentials authorising and identifying them for the purposes of their assignments.

h) Issue a certificate for volunteers attesting to the services rendered.

i) Keep a record of personnel initiating and terminating volunteer service.

##### Article 9.- *Volunteer affiliation.*

1. Volunteer affiliation in organisations shall be formalised in writing under the respective agreement or commitment which, in addition to an express statement of the altruistic nature of the relationship, shall contain at least the following:

- a) The rights and obligations incumbent upon both parties, which must abide by the terms of the present Act.
  - b) The content of the functions and activities volunteers are committed to performing and the amount of time they undertake to devote thereto.
  - c) The training process required to fulfil such functions.
  - d) The duration of the commitment and the causes and ways it may be discontinued by the parties.
2. Volunteer status shall be compatible with being an associate of the same organisation.

Article 10. *Non-contractual liability to third parties.*

Organisations shall be accountable to third parties for the damages caused by volunteers participating in their programme that are consequential upon volunteer action, in the following terms:

- a) In the event of private organisations, pursuant to the provisions of the Civil Code, Book IV, Title XVI, chapter II.
- b) When the Central Administration or public corporations under its aegis are involved, pursuant to Title X of Act 30/1992 of 26 November, on the Legal Regime for Public Administrations and Common Administrative Procedure.

Article 11. *Legal regime.*

Any disputes arising between volunteers and organisations in the performance of volunteer activities shall be settled by the competent jurisdiction, pursuant to the provisions of procedural regulations.

Article 12. *Co-operation in public not-for-profit organisations.*

The co-operation of volunteers in the Central Administration and in non-profit making public corporations with legal personalities of their own associated therewith or under the aegis thereof, shall be subject to the provisions of this Act and shall preferably be rendered through co-operation conventions or agreements with private not-for-profit institutions.

## TITLE IV

### Measures to further volunteerism

Article 13. *Promotion measures.*

The Central Administration shall further the establishment of mechanisms for technical assistance, training programmes, information services and campaigns to enhance public awareness and appreciation of volunteer activities.

Article 14. *Incentives for volunteerism.*

Under the terms and within the scope established by the competent Ministry or Ministries, volunteers may profit from rebates or discounts on State-wide public transportation and tickets for museums run by the Central Administration and any other lawful benefits established for the social furtherance, acknowledgment and appreciation of volunteer action.

Article 15. *Recognition of volunteer services.*

1. The time devoted to volunteer work may have the same effects as military service, under the terms specified in final provision two of Constitutional Act 13/1991 of 20 December on Military Service.
2. Moreover, the time devoted to volunteer work, where duly substantiated, may be wholly or partially credited by the National Council on Conscientious Objection towards the time specified for substitutional social service on a *pro rata* basis, providing:



Such volunteer activities are conducted after the volunteer has obtained conscientious objector status.

The services are rendered for at least six months running, under the auspices of an institution or organisation that is party to a convention with the Ministry of Justice and the Interior for the performance of substitutional social service, under the terms set out in Act 48/1984 of 26 December on the regulation of conscientious objection and rendering of substitutional social service and in the provisions enlarging thereon.

#### Article 16. *Substantiation of services rendered.*

The provision of volunteer services shall be substantiated by means of a certificate issued by the organisation benefitting therefrom, which must specify, in addition to the personal particulars and identification of the volunteer and the institution, the following:

- a) Substantiation that the party concerned is a volunteer.
- b) Date, duration and nature of the service rendered by the volunteer.

#### Additional provision one. *Volunteers abroad.*

Persons participating voluntarily and gratuitously in programmes implemented abroad by organisations meeting the requirements laid down in article 8 of this Act shall be covered hereunder.

#### Additional provision two. *Co-operation for development volunteers.*

1. Co-operation for development volunteers are persons affiliated with public or private not-for-profit organisations under the conditions specified in paragraphs 2, 3 and 4 of this provision who participate in the management or implementation of official Spanish co-operation for development programmes.

2. Co-operation for development volunteers shall be affiliated with the organisation for which they render their services under the terms of a formal agreement or commitment which must specify at least the following:

- a) The resources required to meet subsistence needs in the host country.
- b) A health and accident insurance policy in favour of volunteers and the members of their immediate families travelling with them, valid for the length of their assignment abroad.
- c) A training period, as required.

3. Co-operation for development volunteers must be informed by the organisation with which they are affiliated of the purpose of their assignment, the framework in which it is to take place, their rights and obligations and the right to due credentials, as well as of the obligation to obey the laws of the host country.

4. Co-operation for development volunteers shall be entitled to the tax exemptions, immunities and privileges provided for in international agreements on the subject to which Spain is a party.

5. For any matters not addressed in the preceding provisions or in the regulations enlarging thereon, the provisions of the present Act shall be applicable to co-operation for development volunteers.

6. Volunteers participating in co-operation for development programmes whose assignment does not include the benefits specified in paragraphs a) and b) of point 2 of this provision, with respect to the insurance for immediate family members travelling with the volunteers, shall be subject to the general arrangements of the Law and the stipulations of the preceding paragraphs of this provision shall not be applicable thereto.

*Additional provision three. Extension of recognition of volunteer services.*

The provisions of articles 14 and 15 of this Act may be applied to volunteers participating in programmes implemented under the competence of Autonomous Regions or local Corporations within organisations that meet the requirements laid down in article 8 of the present Act.

*Sole transitional provision. Adaptation of organisations.*

Organisation which, when this Act enters into force, have volunteer personnel, must comply with the provisions hereunder within a period of two years.

*Sole final provision. Empowerment for application and enlargement.*

The Government is authorised to enact any necessary provisions to enlarge on and execute the present Act.

Therefore,

I hereby order all Spanish citizens and authorities to abide by and enforce this Act.

Done in Madrid on 15 January 1996.

JUAN CARLOS, K.

President of the Government  
FELIPE GONZÁLEZ MÁRQUEZ

(B.O.E. n. 5, 17 January 1996)