

THE EUROPEAN VOLUNTEER CENTRE
The Voice for Volunteering in Europe



CENTRE EUROPEEN DU VOLONTARIAT
Le Porte-Parole du Volontariat en Europe

AVSO Association of
*Voluntary Service
Organisations*

COUNTRY REPORT ON THE LEGAL STATUS OF VOLUNTEERS IN CZECH REPUBLIC

Brussels 2005

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GENERAL DEFINITIONS OF VOLUNTEERISM

VOLUNTEERISM: refers to all forms of voluntary activity, whether formal or informal, full-time or part-time, at home or abroad. It is undertaken at a person's own free will, choice and motivation, and is without concern for financial gain. It benefits the individual volunteer, communities and society as a whole. It is also a vehicle for individuals and associations to address human, social or environmental needs and concerns. Formal voluntary activities add value, but do not replace professional, paid employees.

VOLUNTEERING: can occur informally (for example neighbourly "helping-out") or within the structures of a non-profit organisation. It is often (but not always) of a part-time nature. It may occur over one day or many years in a range of different fields. It is good practice to ensure that formal volunteers are covered by appropriate accident, health-care and third party liability insurance, that they receive appropriate training and management, as well as the reimbursement of all out-of-pocket expenses.

FULL-TIME VOLUNTARY SERVICE: refers to specific, full-time project-based voluntary activities that are carried out on a continuous basis for a limited period of time. Voluntary-service activities may occur at home and abroad. It is good practice to ensure voluntary service volunteers are afforded appropriate social protection, such as accident, health-care and third party liability insurance. Volunteers should also receive appropriate training and management, reimbursement of out-of-pocket expenses as well as appropriate accommodation and subsistence allowances as agreed between the volunteer and the non-profit organisation.

Background to the Project

This is one of a series of 'country-reports' produced by the Association of Voluntary Service Organisations (AVSO) and the European Volunteer Centre (CEV). They aim to provide comprehensive and practical information on volunteers and the law in a number of current and future European Union Member States.

Each country report explores, in a standardised format, some of the key questions that face volunteers and volunteer-involving organisations in relation to their legal positions.

Important: the information contained in each country report is subject to the resources and quality of information available. It is also subject to frequent change.

If you wish to comment on any of the country reports or contribute to their annual updates, CEV and AVSO would be delighted to hear from you.

ACKNOWLEDGEMENTS

This country-report has been produced by CEV volunteers, Annika López-Lotson and Paz Velasco. It was edited by CEV Coordinator, Gail Hurley in 2003. We would like to thank them and also the valuable contributions and comments of Olga Sozanská, HESTIA National Volunteer Centre and Natasa Diatková, Czech Government. It was then updated in 2005 by AVSO volunteer Jacob Beutler and edited by AVSO Coordinator Vessela Karloukovska. We extend our thanks for the information provided by Jiri Sibrt, Servitus; Natasa Diatková, Czech Government; Vojtech Tutr, Hestia

1. Concept of Voluntary Work in Czech Republic

In the Czech Republic, volunteering is generally understood as a deliberate, freely chosen, unpaid activity for the benefit of others. However, the word “volunteering” still has very negative connotations in the Czech Republic, as in many post-communist countries.

An important part of the communist ideology was the idea that each citizen should be involved in community improvement and should do something beneficial for society. In this context, people were therefore “obliged” to volunteer, and the decision was not a freely chosen one. Often therefore, citizens “volunteered” with feelings of distaste and distrust. Indeed, the former regime actually used “volunteerism” as an integral part of its strategy to compensate for the absence of the private, commercial sector. Unfortunately, this confusion between the “proletarian altruism” (Fri et al., 2001) of the past and the present concept of volunteering, coming from one's own free and personal choice has made present day efforts to promote volunteering more difficult.

Nowadays the public administration is working hard on promoting voluntary activities and is more aware of the value of voluntary work and its social benefits. Through their work and the work of the non-governmental organisations that support the importance of voluntary service, the situation in the Czech Republic is improving and voluntary activities find greater acceptance in peoples. Attitudes are changing. This was consolidated with the United Nations International Year of Volunteers' 2001, which provided the catalyst for the development of the Czech Republic's first law on volunteerism.

2. Volunteerism and the Law

A. Act No. 198 on Volunteer Services – “Volunteer Services Act” (2002)

Basic Principles Underlying “The Volunteer Services Act”

The Czech Law on Volunteerism of 2002 (zákon o dobrovolnické službě) was not conceived as a framework law for volunteerism: the law only defines some forms of voluntary activity and specifies the conditions under which the Czech State will support them. It does not therefore, aim to regulate all forms of volunteerism: other forms of voluntary activity may still take place outside the scope of application of this law.

The application of the Czech Law on Volunteerism falls under the responsibility of the Ministry of the Interior, Crime Prevention Department, within which a department on Volunteer Service was established in 2002. This department arranges the accreditation of “delegating” NGOs, financial support to these organisations; the running of the public list of accredited “delegating” organisations, their monitoring, financial inspection and evaluation etc.

The fundamental element is to promote the development of a wide range of voluntary activities and the social protection of volunteers performing these activities. This means that under the law, responsibilities regarding the engagement of volunteers must be met by the non-profit organisation that sends the volunteer on his/her

volunteer assignment(s). The law foresees the existence of a distinct system and it is only volunteers that volunteer within the framework of this system will receive direct support and protection of the government. This system is based on three pillars:

1. Legal Definition of a “Volunteer”

The Czech Law on Volunteerism defines a “volunteer” as a physical person aged over 15 years if s/he is volunteering in the Czech Republic or above 18 if s/he volunteers overseas. S/he may be employed/unemployed, studying, retired etc., and the voluntary activity must be based on his/her competencies and skills.

There are certain areas of activity where a volunteer renders. These are:

- “Assistance to unemployed, socially weak or medically handicapped people, seniors, members of national minorities, immigrants, persons who have finished serving their imprisonment sentence, drug addicts, victims of domestic violence as well as assistance to children, youth and families” (Article 2 (1) a))
- “Assistance during natural, environmental or humanitarian disasters, during the protection and improvement of the environment, cultural heritage protection, preparation of cultural charity events or collecting money for people as per letter a)” (Article 2 (1) b))
- “Assistance in the implementation of development programmes and assistance under the framework of operations, projects and programmes of international organisations and institutions, including international non-government organisations. (Article 2 (1) c))

2. Legal Definition of “Delegating Organisation”

The definition of “delegating organisation” is crucial because the sending organisation is the principal partner of the Czech State. Only those sending organisations that are officially accredited by the state will benefit from the application of this law and the accompanying financial assistance. Accreditation is granted for a period of three years, which is renewable upon the submission of a fresh application. The “accreditation committee” consists of representatives of the Ministries of Foreign Affairs, Education-Youth-Sport, Interior, Work and Social Affairs, Environment, Health, Culture, Finances and Government Council for NGOs.

The “delegating organisation” is defined strictly by the Czech State as a non-profit organisation that selects, registers, insures and trains volunteers, as well as signs a contract with them for the performance of volunteer activities with an appropriate “receiving organisation”. This agreement shall reflect the specific terms of execution of the volunteers’ tasks, in particular conditions regarding accommodation and food, insurance and health-care, evaluation of the volunteers’ activities, etc. This organisation must be registered in the Czech Republic. The law also specifies the circumstances under which the accreditation can be withdrawn and what happens to volunteers in such cases (the volunteer is transferred to another accredited delegating organisation).

3. Legal Definition of “Receiving Organisation”

The “Receiving Organisation” or “Hosting Organisation” is a legal entity that will benefit from the volunteer activity, that is able to sign a contract with the “Delegating Organisation”, and is able to fulfil all the requirements as stated in the contract. It may not necessarily be an NGO, but a hospital, school, municipality, the state etc.

The law stipulates the obligation of all three parties to enter into a mutual contractual relationship.

The Volunteer Contract

A framework for the volunteer agreement is published under the Czech Law on Volunteerism, which also outlines the main features of the voluntary activity. The volunteers’ tasks must then correspond by law to these characteristics. The agreement must be in writing for all cases of international voluntary activity and in cases of long-term voluntary activity carried out within the Czech Republic. It may be in oral or written form in the case of short-term voluntary activity carried out in the Czech Republic. (A period exceeding three months is long-term voluntary service according to the law)

1. Short-term Voluntary Service

Whether in written form or orally, short-term volunteer agreements must specify:

- The place, content and length of the voluntary activity;
- The tools required to perform the activity.

Where applicable, volunteers must submit a fresh police report (not older than three months) indicating that s/he is not in ex officio registration, as well as information about his/her state of health.

2. Long-term Voluntary Service

Long-term written agreements, which are signed between the volunteer and the sending organisation, must include:

- The name and address of the volunteer and the sending organisation;
- The contents of the pre-departure training, which must include information on possible risks to the health or life of the volunteer;
- The place, content and estimated length of the voluntary activity;
- Any food and accommodation provided to the volunteer, as well as his/her obligation to return any monies paid, or other benefits in-kind should s/he leaves for unjustified reasons;

- Other specific financial information, for example who covers travel, insurance, pocket money, working tools, etc;
- Hours of work and any entitlement to holiday;
- The social security conditions under which the volunteer is covered.

Those who volunteer on a full-time basis (defined as minimum 20 hours per week) and who fall within the scope of the application of this law are entitled to state health-care insurance and social welfare protection, for example the state is able to cover compulsory pension contributions.

B: Inter-relationship between the Law on Volunteerism of 2002 and other laws in the Czech Republic

The appendix of the Czech Law on Volunteerism lists all the laws that are affected by its content:

- The Labour Code: the length of time spent volunteering full-time (over 20 hours per week) will be considered as a period of employment for the purposes of receiving state welfare payments;
- Social Welfare: the pension insurance code – the length of time spent volunteering over 20 hours per week will be taken into account for the purposes of receiving compulsory pension contributions;
- Public Health-Care Code: health-care of volunteers is paid in large part by the State;
- Exemption from income tax and tax on donations.

Note however, that for those volunteers and volunteer-involving organisations that fall outside the scope of application of the Czech Law on Volunteerism, the provisions in the above-mentioned laws on employment, taxation etc. remain applicable.

3. Reimbursement of Expenses

According to the Volunteer Act, the state reimburses part of the expenses on travel, accommodation, food, training, technical and administrative assistance for organising voluntary activities, advertising for new volunteers and insurance for accredited organisations.

This financial support may amount to up to 70% of these costs. The Grant Committee decides on these cases. It consists of representatives of the Ministries of Foreign Affairs, Education-Youth-Sport, Interior, Work and Social Affairs, Environment, Health, Culture, Finances and Government Council for NGOs.

Besides this reimbursement the law guarantees that all incomes or expenses within the voluntary activities are free from taxation.

4. Recognition, Facilitation

The government offers no official support concerning any facilitation like handing out a volunteer ID, a certificate for the voluntary work or any other credits, so the Delegating and Receiving Organisations are fully responsible for that.

5. Welfare Protection of Volunteers

The state reimburses accredited sending organizations the expenses connected to health care, injury and third-party liability insurance against damages of property or health, which can occur during the voluntary service to volunteers themselves or be caused unintentionally by volunteers to other persons or to the property of other persons on condition that the duration of the volunteer service is longer than 3 months and accedes 20 hours per week.

The period of voluntary work undertaken is considered as an activity equal to employment for the purposes of participation in the unemployment support scheme and the length of time the person volunteers is taken into account for the purposes of state pension.

Currently, there is one problem within the section of insurances that organisations hope the state will solve quickly. It is not clear how the insurance companies should treat volunteers – whether they fall under the code of labour law or not.

6. Volunteering Abroad

Volunteers who decide to go abroad have according to the Volunteer Services Act the same rights and duties as volunteers serving in the Czech Republic.

7. Foreign Volunteers in Czech Republic

Volunteers and Work Permits and work contracts

The Ministry of Interior registers only 4 - 5 accredited NGOs sending volunteers abroad. Only 2 or 3 of these accredited sending NGOs are planning to also accept a small number of volunteers from abroad. These volunteers, predominantly young students will be treated under the provisions of Volunteer Act. They will mostly have contracts for long-term or short-term voluntary service signed with the accredited organisation and will not need a work contract as such.

Residence Permits

Volunteers coming from abroad and staying longer than three months in the Czech Republic need residence permits.

Visas

Volunteers, which are subjects of EU member countries are not obliged to ask for visas. Short-term volunteers from other than EU member states planning to stay in the Czech Republic for less than 90 days have no visa requirements. When their stay in the Czech Republic is for more than 90 days, they are obliged to request visas. But Immigration Authorities are aware of the Volunteer Act and on the condition of presenting them a valid contract with an accredited organisation one can expect the visa to be granted quickly. The list of accredited organisations is available on the web sites of Ministry of Interior: <http://www.mvcr.cz/prevence/dobrovol/index.html> at this moment in the Czech language.

8. Governmental Action for Promotion – From the Past to the Future

The United Nations International Year of Volunteers' 2001 provided an important catalyst for the governmental recognition of and support for volunteering. The decision to formulate the Czech Law on Volunteerism is one example of this. Prior to this, the 1990s had seen citizens' involvement in spontaneous voluntary activities increase, but without any formal recognition or adjustments to the law.

The Ministry of Justice in collaboration with the Governmental Council for Non-State, Non-Profit Organisations (NGOs) is due to prepare an amendment of the Volunteer Service Act. For a serious debate about the amendment of the existing law it is necessary to solve a fundamental dilemma: to have more state support for voluntary NGOs, which in the Czech context means also to have more state control, or to have less central control, less legal conditions to meet and more competitive funding, which means harder struggle for sponsorship from private and commercial sources.

In connection to the transition from obligatory military service and civil service to a professional one in 2004, a public debate was initiated by volunteers about the compensation of civil service in institutions providing social services (e.g. health care, care for the senior and disabled citizens, care for minorities and socially excluded groups). This concept proved to be useful only on the condition of full respect to the rights of volunteers supported by the Volunteer Act.

Governmental supported programmes:

“Volunteering of Unemployed People” Programme

From 2000, the Czech Ministry of Labour and Social Affairs has provided assistance for the development of volunteer projects involving unemployed people. Through the so-called *“Volunteering of Unemployed People” Programme, (dobrovolnictví nezaměstnaných)* the unemployed are allowed to perform volunteer activities without losing entitlements to any social welfare payments they may receive, and thereby help themselves, as well as the organisation for which they volunteer. The aim of the project is to enable a wider group of unemployed people to improve their situation by being involved in volunteering.

The number of accredited NGOs providing “volunteering of unemployed people” is

constantly growing. Local employment bureaus are showing more interest and support for this programme, predominantly in regions with high structural unemployment (some parts of Moravia). In the field of social services, it is common to establish some new working places on condition of successful long-term voluntary service. The Ministry of Interior has in its register about 20 accredited NGOs maintaining "Volunteering of Unemployed People" in various activities (charitable work, past-time activities for children and youth, assistance to disabled people predominantly in residential institutions, assistance to senior citizens, immigrants etc.). An exact reliable number of unemployed volunteers is not available.

Volunteering at the fire brigade

Two systems coexist in the Czech Republic: voluntary fire brigades in nearly each small district town and professionally managed Directorate General of the National Fire Brigade. Voluntary fire brigades are subject to the Volunteer Act. Volunteers can be engaged in assistance to the victims of fire, natural disasters or multiple traffic accidents etc. after concluding a contract with the regional management of the National Fire Brigade.

9. Final Remarks, Overview and Recommendations

The Czech Law on Volunteerism is an important step forwards in providing a supportive environment for the development of volunteerism in the Czech Republic. It ensures financial support and social protection to those volunteers and organisations, which fall within the scope of its application. Many of these organisations would probably not have been able to afford to involve volunteers, should such support not have been available and lots of NGOs in the Czech Republic operate with extremely limited financial resources.

Another problem is that those who volunteer for non-accredited organisations are not recognised by any law in the Czech Republic, and these volunteers therefore are subject to general rules on employment, taxation etc.

Some may argue that the Czech Law on Volunteerism aims to overly regulate the volunteer environment in the Czech Republic, which takes away from the very spontaneous, needs driven nature of voluntary action. However, the law came into effect only very recently and it may be some time before all of its practical implications and possible drawbacks come to the forefront. It is expected that the law will be amended once practical experience of its application has been obtained.

10. Contacts

SERVITUS

Vladislavova 12, CZ-110 00 Praha 1, Czech Republic

TEL/FAX: +420 296 243 352

E-MAIL: info@servitus.cz; WEB SITE: <http://www.servitus.cz>

HESTIA – NATIONAL VOLUNTEER CENTER

Na Poříčí 12, CZ-11530 Praha 1, Czech Republic

TEL: +420 2248 720 75, FAX: +420 2248 720 76

E-MAIL: vtutr@hest.cz; WEB SITE: <http://www.hest.cz>

CRIME PREVENTION DEPARTMENT – MINISTRY OF INTERIOR

Nad Stolou 3, CZ-170 34 Praha 7, Czech Republic

TEL: +420 974 832 673, FAX: +420 974 833 504

E-MAIL: diatkova@mvcz.cz; WEB SITE: <http://www.mvcz.cz>

11. Further Information, Copyright, CEV and AVSO Contact

ASSOCIATION OF VOLUNTARY SERVICE ORGANISATIONS (AVSO)

174 rue Joseph II, Brussels 1000, Belgium

TEL: +32 2 230 68 13, FAX: +32 2 231 14 13

E-MAIL: info@avso.org; WEB SITE: <http://www.avso.org>

EUROPEAN VOUNTEER CENTRE (CEV)

Rue de la Science 10, Brussels 1000, Belgium

TEL: +32 2 511 75 01; FAX: +32 2 514 59 89

E-MAIL: cev@cev.be; WEB SITE: <http://www.cev.be>

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