

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 LITHUANIA

*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

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## 1. Concept of Voluntary Work in Lithuania

Decree N°1511 of 13<sup>th</sup> December 2001 establishes in its general provisions a definition of voluntary work, volunteers, and volunteer and voluntary work organisers.

- **Voluntary work** is the action performed with the free will of the individual and with no remuneration for the purposes established by the Law on Charity and Sponsorship. Under the latter law, the aims of voluntary work are protection of human rights, integration of minorities, fostering cultural, religious and traditional values, educational, scientific and vocational development, non-formal and civic education, sports, social security and work, health care, national safety and defence, law and order, crime prevention, adjustment of living environment and housing development, protection of copyright, environment protection and other fields. It also stipulates that only certain types of organisations (understood as non-profit organisations) can offer voluntary work. Political parties and trade unions are included in this category.
- **Volunteers** are '*individuals working for benefit of society on their free will under no pressure, and receiving no remuneration*'. Lithuanian citizens and citizens of other states residing in Lithuania are lawfully allowed to perform voluntary work.

The law specifies that children between 14 and 16 must have written consent from at least one of their parents or representative of the child in accordance with the law in order to be able to carry out voluntary work. Volunteers under 18 years old must also fulfil the requirements established by the corresponding resolution regarding procedures for employment and health examinations affecting individuals under 18 years old.

## 2. Volunteerism and the Law

In 2000 the Government decided to legislate voluntary labour beginning with the amendment of the Law on the Employment Contract in Lithuania. Article 17 of that Law defines the concept of illegal work. After the amendment, Article 17.2 makes legal any '*voluntary work organised in the manner prescribed by the government*'. This article was incorporated into the labour code.

In 2001 the Ministry of Social Security and Labour enacted a resolution related to volunteerism. Resolution N° 1511 of 23<sup>rd</sup> December 2001 regulates the terms and procedures of voluntary work. In addition, Decree N° 732 was approved on 24th May 2002, which foresees the reimbursement of expenses to volunteers.

### **Resolution N° 1511 Regarding Approval of the Terms and Procedure for Performing Voluntary Work**

The legal text regulates voluntary work in Paragraph II. It establishes that if an individual volunteers longer than two consecutive days or participates in an event for more than one week, the organisation must register the volunteer in the corresponding register for voluntary work.

The organisation must specify the volunteer's name, surname and date of birth, as well as the type of work performed and the beginning and end of the project.

Furthermore, a written contract must be made with the volunteer if any of the partners request it. The contract may include the corresponding agreement regarding the reimbursement of expenses such as travel, food and accommodation and the role of each partner. Work safety and health regulations as well as responsibility terms in case of conflict, may also be included.

The training of the volunteers is obligatory before the beginning of the service. In this training the volunteer must be informed of his or her role at work. He/She will also receive instructions regarding health and safety at work. All of this should be included in the register of voluntary work.

The decree also contains an example of the contract and the prescription that indemnifications for any damages caused within the voluntary work are solved according to the law of Lithuania.

### **Resolution n° 732 regarding approval of the procedure for reimbursement of expenses for individuals performing voluntary work**

The Decree classifies and enumerates in its paragraph II the entitlement of volunteers to receive reimbursement of their expenses. The following expenses are covered.

- Expenses of travel to and from the location where voluntary work is performed;
- Catering expenses when voluntary work lasts at least 4 hours per 24 hours;
- Accommodation expenses when voluntary work is performed longer than 24 hours and/or in a location other than the place of residence of the volunteer;
- Mail and telephone expenses if the volunteer is performing voluntary work not on the premises of the organisation of the voluntary work organiser;
- Expenses of voluntary work accident insurance and health insurance falling within the term of the voluntary work contract;
- Expenses relating to advance purchase and ordering by phone of travel tickets, luggage transportation and storage;
- Skill development expenses related to the work performed by the volunteer.

The expenses are reimbursed by the voluntary work organiser. Travel costs, food and accommodation are reimbursed according to Resolution 469 of 26<sup>th</sup> April 2000, which establishes the 'procedures for monetary compensations'. The other expenses must be justified by documents of proof for the reimbursement to be made to the volunteer.

The organisation reimbursing the expenses to volunteers must complete a registration with a free form indicating the date, the placement of the voluntary service, the names and surnames, personal numbers and addresses of the volunteers who have had their expenses reimbursed, as well as the corresponding documents justifying certain expenses existing (the requirements established by the Lithuanian law on Accounting must be followed) and amounts reimbursed.

The voluntary work contract may foresee the existence of an insurance against accident and health by insurance companies. If this is the case, it is necessary to specify the purpose of the insurance and its relation to the voluntary work.

The current legal framework therefore has the following practical implications for volunteers and volunteer organisations.

### **3. Reimbursement of Expenses**

There is no legislation concerning taxation insofar as volunteers are concerned. Resolution 732 regarding the reimbursement of expenses, food, lodging and travel provides that these are not subject to taxation. Regarding pocket money, it has been cleared as a non-taxable issue. This was regulated by the Lithuanian Finance Ministry in May 2004.

Voluntary organizations usually have the status of non-governmental, non-profit organisations. These organisations do need to pay certain taxes such as social insurance, but are exempt from VAT (value-added tax).

### **4. Recognition, Facilitation**

There are some universities (or only individual faculties) only that give some academic credits for voluntary service. Sometimes (depending on the professor and on the field of studies) the voluntary service can be recognised as practicum, but that may happen on a case-by-case basis, rather than as a common rule in Lithuania. Actually, it depends highly on how well young people can present volunteering to their professors.

Certification is only given to EVS volunteers in Lithuania.

### **5. Welfare Protection of Volunteers**

#### **Volunteer insurance**

There is a legal provision concerning volunteer insurances in the two governmental resolutions. Neither obliges the organisations to cover volunteers and the Lithuanian social security scheme does not provide any public health assistance to them. However, a volunteer may be provided with a health and accident insurance if it is agreed and specified in the contract. In these cases, the voluntary work contract must explain the necessity to have such insurance coverage. The insurance cost is not subject to taxation. If the organisation does not offer insurance, the volunteer should provide it for his or her personal and others' security.

## Pension

The pension should be paid independently of whether one is a volunteer or not.

## 6. Volunteering Abroad

### Welfare Protection

#### b) Entitlement of volunteers to public health and social protection

Concerning **public health**, the Lithuanian social security scheme does not provide health assistance to volunteers. The European form E 111 is not valid in Lithuania. Consequently volunteers coming from abroad without a private health insurance, need to pay for any medical treatment and medication. Volunteers with insurance must pay in advance and will be reimbursed by the insurance company afterwards.

Lithuanian volunteers going abroad will have all their benefits such as **unemployment benefits or family allowances** suspended as a prolonged period abroad is considered to imply a change to their citizenship status.

## 7. Foreign Volunteers in Lithuania

There is no specific provision regarding volunteers in the immigration legislation. They are subject to the general legislation by default.

Volunteers coming from abroad have to follow the general Lithuanian legislation. EU volunteers do not need a visa to enter Lithuania. A **residence permit** is required for a stays of over three months and volunteers must present themselves at the migration authorities within the first seven days of their arrival in order to get a residence permit. If volunteers from outside the EU want to stay longer than three months, s/he needs to apply for a **long-term visa**.

No **work permits** are requested for voluntary work in Lithuania.

For further information visit [www.urm.lt](http://www.urm.lt)

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

The Lithuanian State council of Youth Affairs created working groups for voluntary work development in spring 2005. NGOs that have worked with volunteers for long-time and all voluntary-work-connected ministries belong to these groups. There have been attempts by the parliamentary youth and sports commission and other governmental institutions to organise an event promoting voluntary work, but there was no coherent long-term plan on how to do that. The creation of a working group by the state council of youth might prove more effective.

## 9. Final Remarks, Overview and Recommendations

Lithuania does not have a long tradition in volunteering. Firstly, many citizens still associate volunteering with obligatory community service used as a tool for social engagement by the earlier communist regime. Secondly, until recently volunteering

was essentially illegal, as labour laws did not acknowledge the existence of volunteers.

However, over the last decade citizenship engagement has increased dramatically and greater recognition has been given to the role of volunteers within the non-governmental sector. Although Lithuania did not officially recognise 2001 as the UN designated International Year of Volunteers, a number of legal changes have been made to give formal recognition to the importance of volunteers and volunteer organisations.

A change to the Labour Code was already enacted in 2000 to legalise voluntary work. Later, the two decrees enacted by the Ministry of Social Security and Labour in December 2001 and May 2002 provide a clear legal framework for volunteers and volunteer organisations.

Even if some obstacles to volunteering in Lithuania still exist, the current legal framework seems to be able to provide a positive long-term perspective for the sector.

## 10. Contacts

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