

EUROPEAN VOLUNTEER CENTRE
The Voice for Volunteering in Europe



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

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COUNTRY REPORT ON THE LEGAL STATUS OF VOLUNTEERS IN IRELAND

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 of 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 neighborly "helping-out"), or within the structures of a non-profit organization. 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 is 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 organization (and the State as appropriate).

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 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 AVSO volunteer Natalia del Cid and CEV Coordinator, Gail Hurley. It was also edited by Gail Hurley. It has been updated by CEV intern Patricia Abreu in 2005. We would like to thank them, and also the valuable contributions and comments of Sandra Velthuis, Chief Executive, and Nancy Nuñez from Volunteering Ireland.

1. Concept of Voluntary Work in Ireland

According to the White Paper on Voluntary Activity published by the Irish Government in September 2000, volunteering is defined as,

“The commitment of time and energy, for the benefit of society, local communities, individuals outside the immediate family, the environment and other causes. Voluntary activities are undertaken of a person’s own free will, without payment (except for reimbursement of out-of-pocket expenses).”

2. Volunteerism and the Law

There are no specific pieces of legislation that apply exclusively to volunteers in Ireland, though there are policies that support the development of volunteerism. These are explored under Section Three. In relation to voluntary and community non-profit organizations in the Republic of Ireland, there are a number of “tax breaks” for those that enjoy charitable status, according to provisions set out in the Finance Act of 2001.

3. Reimbursement of Expenses

There are no specific legal provisions in relation to the reimbursement of volunteer’s out-of-pocket expenses, and in practice there are many organizations that do not (and cannot) reimburse their volunteers. However, out-of-pocket expenses and pocket money received in cases of full-time volunteers are not subject to taxation, provided the volunteers’ total income falls below that specified as allowable by the Revenue Commissioners. See: <http://www.revenue.ie/> for up-to-date information on taxation in the Republic of Ireland.

4. Welfare Protection of Volunteers

Insurance of Volunteers

There are no specific legal provisions in relation to the insurance of volunteers while “on the job”. Volunteering Ireland however recommends that those organizations that do involve volunteers draft written volunteer policies that state clearly, among other things, that volunteers are insured against risks of illness, accident and third party liability. For further information on volunteer policies and what they should cover in the Republic of Ireland, see: <http://www.volunteeringireland.com/>. Once again however, it must be stated that there is no legal obligation as such to do so, therefore in cases where the organization does not offer this option, the volunteer should provide it for his or her personal and others’ safety and security. Full-time volunteers should ensure that the volunteer programme offers adequate protection in this regard, for example the European Voluntary Service Programme provides each individual volunteer with an insurance plan.

Social Protection

Under the amended Social Welfare Act of 1997, the payment of unemployment welfare allowances is suspended in cases where a person leaves the country to volunteer overseas. The individual may however apply to claim the allowance once again on his/her return to Ireland. In all cases, the volunteer must inform the relevant unemployment office of their intentions to volunteer. The White Paper launched by the Irish Government in 2000 recognized the importance of voluntary activities in the creation of employment opportunities, and as a means to enable those that are socially excluded become involved in their communities. In principle therefore, individuals are able to volunteer for as long and as frequently as they wish without fear of losing entitlement to any social welfare payment they may receive. In practice however, there are cases of those that are unemployed and have volunteered on a long-term basis, losing entitlement to unemployment benefits (or receiving a cut in unemployment benefits).

The Disabled

In relation to the disabled, they may engage in certain forms of voluntary work without losing entitlement to any disability social welfare payment they may receive. The individual must

obtain approval from the Department of Social and Family Affairs according to the following procedures:

- Those in receipt of a Disability Allowance may only volunteer in organizations that have proved to the Disability Section Department that the work done is of a voluntary nature and no payment is awarded;
- Individuals that receive an invalidity pension need to apply to the Invalidity Section Department. They should provide medical evidence that confirms the voluntary activity is rehabilitative and beneficial;
- Individuals receiving a Blind Person's pension do not lose their benefits as so far as the voluntary activity is non-remunerated.

Entitlement of Volunteers to State Health and Social Security Protection

Health Care of Volunteers

In Ireland, entitlement to health-care and services is based on the principle of residency and economic means, as opposed the payment of taxes or pay-related social insurance (PRSI). In principle therefore, nationality does not, in itself, determine entitlement to health-care and services in Ireland. Nevertheless, there are specific rules that cover EU/EEA nationals. In these cases, a distinction must be made between short-term and long-term volunteers.

Short-term volunteers in Ireland are considered those volunteers that reside less than one-year. In these cases, they are treated as "visitors". They have the right to receive emergency health and medical treatment provided they show the competent authorities the E111 form. Where the volunteer is from the United Kingdom, evidence of UK residence is required. Further health or medical treatment for EU/EEA nationals must be fully reimbursed by the individual volunteers themselves. Third country nationals must pay full price for any form of health or medical assistance in Ireland.

Ireland and Australia however have a reciprocal health agreement. This means that Australian volunteers coming to Ireland are entitled to receive emergency public hospital treatment subject to the normal charges for non-medical card holders in Ireland. In addition, Australian nationals in Ireland are also entitled to assistance towards the cost of prescribed drugs and medicines on the same basis as those that hold Irish residence.

Long-term volunteers, i.e., those that reside at least one-year in Ireland, are considered "ordinary residents". This legal status applies regardless of nationality. This is because all those that are accepted by the Health Board as being "ordinarily resident in Ireland" are entitled to either full eligibility (i.e., to hold a medical card) or limited eligibility for health and medical

services. For further, detailed information visit <http://www.oasis.gov.ie>

Irish volunteers that leave the Republic to volunteer in another EU Member State must ensure they are in possession of the Form E111, which will ensure that they are entitled to receive, free of charge, emergency health and medical care in the host country.

Unemployment Benefits

The general rule is that the unemployed, in receipt of unemployment allowances, are allowed to volunteer within certain sectors, such as helping the elderly, sick or disabled. However, the individual must prove that they are still actively seeking work, and must be available to start work as soon a job arises. In addition, the organization for whom the person volunteers, must obtain official approval from the local unemployment office before taking on the unemployed person. To obtain this approval, the organization must complete an application form provided by a local office of the Department of Social and Family Affairs.

Family Allowances

In cases where children engage in full-time voluntary activity, families no longer retain entitlement to family allowances or to tax deductions unless they can prove (via a letter or certificate from the organization that involves the young person) that the volunteer is still engaged in full-time education or training.

5. Foreign Volunteers in Ireland

Immigration Policy Applying To Volunteers In Ireland

As a general rule that applies to all persons as individuals, EU and EEA citizens do not require a residence permit for stays in Ireland of three months or less. After that time, a residence permit is required. Registration takes place at the Alien Registration Office, if in Dublin, or at the Local Police Superintendent's Office elsewhere. UK nationals do not need any residence permit to enter or stay in the Republic of Ireland.

Non-EEA nationals however must obtain a visa for stays longer than three months. They must also obtain a work permit, including in cases where they enter for the purposes of non-remunerated voluntary activity. However, at present, the position is that non-EU and EEA volunteers who have been engaged to carry out voluntary activities for reputable charities and

voluntary organizations and who are not being paid the national minimum wage are not eligible for work permits. To date (August 2003), no changes have been made to this rule.

6. Governmental Action for Promotion – From Past to Future

Tipping The Balance, Report And Recommendations To Government On Supporting And Developing Volunteering In Ireland (October 2002).

The National Committee on Volunteering was created in December 2000, as part of the Programme for Prosperity and Fairness and the 2000 White Paper on Supporting Voluntary Activity. It was also formed in anticipation of the United Nations International Year of Volunteers 2001, and with a view to developing a long-term strategy to promote and extend volunteerism in Ireland. The Committee was charged with examining and making recommendations on:

- The possibilities for recognition and accreditation of voluntary work and for training undertaken as a volunteer;
- Measures to widen the pool of volunteers;
- The range of support needed in order to promote, sustain and develop volunteering.

The Committee has produced a detailed report, which looks at the historical and contemporary landscape of volunteerism in Ireland, trends and patterns in volunteerism, the organizational status of volunteers, youth, accreditation, recognition, infrastructure, the international context and more. To access the report, see:

http://www.worldvolunteerweb.org/dynamic/infobase/pdf/2002/02_10_01IRL_tipping_the_balance.pdf

White Paper on Voluntary Activity (September 2000)

The White Paper aims to clarify the relationship between government and the voluntary and community sector. It describes the current context in which the voluntary sector works, promotes framework principles and best practice models, and makes recommendations to support voluntary activity more generally. The White Paper was preceded by a Green Paper on Supporting Voluntary Activity in May 1997, which initiated a consultation process between the government and voluntary and community sector on the measures needed to support the development of the sector. Following the publication of the Green Paper in 1997, 26

Regional Seminars took place between 1998/1999. A final National Seminar was held on 30 March 2000, which provided for an inclusive debate into the different positions and views that emerged during the consultation process.

7. Recommendations of Joint Committee for the Promotion of Volunteerism in Ireland

In 2004 The Joint Committee on Arts, Sports, Tourism, Community, Rural and Gaeltacht Affairs received submissions from 21 voluntary organizations with the aim of establishing what they considered the main issues affecting volunteering in Ireland. They perceived a lack of progress since the White paper on a Framework for Supporting Voluntary Activity and for Developing the Relationship between the State and The Community and Voluntary Sector (2000) and "Tipping the Balance" (2002). Having taken aboard the contributions of the voluntary organizations the Joint Committee has endeavored to formulate a set of common sense recommendations, which if implemented, would help raise public awareness of volunteering, facilitate new ways of participating in voluntary work and yet would involve no new bureaucracy. The recommendations are summarized below as follows:

I) Recommendations on Volunteering Policy:

- The department of Community, Rural and Gaeltachai Affairs should launch a national campaign to promote volunteering and its positive effects, especially appealing to young people to come forward and demonstrating the potential benefits to business;
- Research into volunteering in Ireland needs to be undertaken urgently and be incorporated into the CSO's data collection remit;
- Academic accreditation for long-term volunteers in social and paramedical work must be advanced;
- The State should give financial incentives to organizations, which can show that they have the proper structures in place. Grant applications by voluntary organizations should contain a volunteering policy element – certain funding should be conditional on having proper volunteer management and training structures in place;
- The following actions should be taken in the education sector with the specific aim of increasing volunteering among young people: Transition Year programmes should have a core volunteering element; The current review of the secondary schools senior cycle must ensure that the excellent junior programme of CSPE is

carried on through to the Leaving Certificate; Volunteering Centres on the campuses of third level institutions would ensure the comprehensive exposure of young persons to the voluntary sector;

- Suggestions for volunteer recognition schemes should be put forward by the voluntary organisations and be acted upon and funded by the State as a way of rewarding volunteers and attracting new people;
- A national volunteering passport would provide a useful record of voluntary activity over the lifetime of a person, which could be referred to for recognition and would be beneficial at job interviews;
- The establishment of a comprehensive vetting procedure for volunteers needs to be given priority and appropriate resources at Gardai level must be made available.

II) Recommendations on Volunteering Infrastructure:

- The existing volunteering infrastructure should be developed. Volunteering Ireland and existing Volunteering Centres/Bureaux should be supported and granted long-term funding, as an alternative to an additional layer of bureaucracy in the form of a new statutory body;
- Voluntary organisations can only make proper use of a volunteering infrastructure if they have a proper volunteer management plan in place. By investing in the training of volunteer managers, the value of volunteering output will be increased, thus increasing the return on the State's investment in the volunteering sector;
- The existence of a functioning volunteering infrastructure is also essential for organisations such as Business in the Community. They provide a vital new impetus on the volunteering scene in Ireland and should be facilitated in every way possible.

III) Recommendations on Funding Issues:

- New sources of funding for volunteering should be explored: The Dormant Accounts Fund should be targeted primarily at funding voluntary organisations. The ring fencing of some CAB funds, which are now coming on stream, should be investigated;
- All funding for voluntary organisations and volunteering should be channelled exclusively through the Department of Community, Rural and Gaeltacht Affairs. This would improve efficiency and transparency. Funding commitments should

be entered into over a number of years. In this way the monitoring of State expenditure would also be facilitated.

- State grants for the in-service training of volunteers should be made available and should be ring-fenced so that they cannot be used for other services within the organisation.

8. FINAL REMARKS

According to the report by the Irish National Committee on Volunteering,

“Ireland has rich and varied traditions of voluntary action, deriving from medieval times, and later from Protestant philanthropy in the 18th century and the rise of Catholic religious philanthropy in the 19th century. Apart from philanthropy, volunteering has been fostered through the Gaelic revival of the later 19th century, the ethos of self-help embodied in the Co-operative Movement, and through informal local customs of ‘cooring’ and the Meitheal. In the 20th century, volunteering has been a key aspect of community development in its earlier forms (e.g. Muintir na Tíre, from the 1930s) and more recent manifestations in the context of anti-poverty and other social inclusion policies. Today volunteering remains very important, and faces numerous challenges and opportunities. These arise in the context of demographic changes, new employment participation patterns, and new developments at regional and local level. Ireland is a society of increasing heterogeneity and changing values. Linked to the growth of individualism and consumerism and the perceived decline of communities is the need to rethink what is required for genuine democratic and civic participation. However, the most immediate problem is the absence of a stated policy and strategy for developing and supporting volunteering.”

In this context, the National Committee formulated two core recommendations to the Irish State:

1. That a National Policy on Volunteering in Ireland be developed;
2. That a Volunteering Support and development Infrastructure be established and funded on a nation-wide basis.

For further information, see the report:

http://www.worldvolunteerweb.org/dynamic/infobase/pdf/2002/02_10_01IRL_tipping_the_balance.pdf

9. Contacts

Volunteering Ireland Coleraine
House, Coleraine Street, Dublin
7, Republic of Ireland
Tel: 353 1 872 2622
Fax: 353 1 872 2623
Website: <http://www.volunteeringireland.com>

Citizens Information Database on: <http://www.comhairle.ie>
Ask Ireland website: <http://www.askireland.com>

10. Further Information, Copyright, CEV and AVSO Contact

The European has jointly managed the “Legal Status of Volunteers Project” Volunteer Centre (CEV), and the Association of Voluntary Service Organisations (AVSO). For further information, please contact CEV or AVSO secretariats.

European Volunteer Centre,
Rue de la Science 10,
Brussels 1000,
Tel: 32 2 511 75 01
Fax: 32 2 514 59 89
Email: cev@cev.be
Website: <http://www.cev.be>

Association of Voluntary Service
Organisations,
Rue Joseph II 174,
Brussels 1000
Tel: 32 2 230 68 13
Fax: 32 2 231 14 13
Email: info@avso.org
Website: <http://www.avso.org>