

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 SLOVENIA

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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 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 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.

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contributions and comments of Senka Vrbica the Legal Information Centre for NGOs in Slovenia (PIC).

1. Concept of Voluntary Work in Slovenia

Slovenia has a long tradition in volunteering and voluntary work, which makes an important contribution to improving the quality of life of individuals and communities. Voluntary work in Slovenia is carried out informally between individuals, and in an organised context within organisations such as the Red Cross, in the field of fire and civil protection, within the church, or within national institutions (for example, voluntary work is being incorporated as part of the educational system in schools). Besides this, voluntary work is increasing the fields of public health and social protection (especially towards socially excluded groups). The government is promoting the role of volunteers and the Third Sector in these areas, acknowledging that the State institutions cannot provide for all the country's social needs.

National and transnational voluntary work is considered a tool for personal development, for intercultural learning and education as well as a way of promoting the values of solidarity, justice and tolerance. It is performed under the free decision of the individual, is unpaid, and only reimbursed for the material expenses.

2. Volunteerism and the Law

There is no specific legal regulation for volunteers until now in Slovenia. However, certain laws do apply to volunteers and their hosting organisations. For example, fire and civil protection laws may affect voluntary work in the social field, and residence and work permit requirements affect volunteers coming from abroad. There are also some provisions for tax legislation not yet in force, which will have an impact on volunteers and volunteer organisations.

A number of NGOs started in 2003 to work on a proposal for national and international volunteering and some are elaborating an overview of the Slovenian legal framework related to volunteerism.

The absence of a specific legal framework implies the application of legislation which is often restrictive towards volunteers and volunteer organisations. This has the following practical implications.

Within the European Voluntary Service (from hereon EVS) of the European Commission's YOUTH programme, the hosting placement provides the volunteer

with pocket money, accommodation, food, travel and training. It is accepted practice within this programme that these costs are not subject to taxation or social contributions.

3. Reimbursement of Expenses

In the absence of any specific legal provision for volunteers, the reimbursement of expenses connected to a volunteer's activity is at the discretion of the hosting organisation. Under Slovenian tax law any payment to the volunteer, including reimbursements for food, accommodation or any other expenses related to the voluntary activity (e.g. travel cost) as well as the volunteer allowance, is subject to taxation.

Taxation of 25% is applicable to all payments in excess of 750€ per year. Tax exemptions are foreseen on costs related to the purchase of educational books, course fees, medicines, etc.

Foreign volunteers staying longer than six months require a temporary personal tax number issued by the corresponding regional tax authority. They are required to submit their personal income declaration to the tax authorities on the 31st March for the previous year. If the volunteer leaves before that date, he or she should submit the tax declaration 30 days before departure. The general rules of taxation for the volunteer are the same as those applying to Slovenian nationals.

4. Welfare Protection of Volunteers

a) Volunteer insurance

There is no legal provision concerning volunteer insurance. The protection of volunteers against risks of accident, illness and third party liability related to their volunteer activity therefore depends on the organisation. If the organisation does not offer insurance, the volunteer should provide it for his or her personal and others security.

Foreign volunteers hosted in the framework of the European Voluntary Service are provided with private insurance coverage for the duration of their project.

b) Entitlement of volunteers to public health and social protection

Concerning public health, foreign volunteers are not covered by the Slovene social security scheme and therefore they need to pay the full price for any medical treatment and medicines.

In case of urgent treatment, Slovenia has agreements with some EU countries like Austria, Belgium, Italia, Luxembourg, Germany, the Netherlands or the UK and some neighbouring Eastern European countries including Romania, Bulgaria, Hungary, Poland, Czech Republic and Croatia. These citizens have the possibility to have free urgent medical treatment presenting a special form solicited in their respective countries.

Slovenian citizens carrying out a period of voluntary service abroad have the right to free urgent medical assistance abroad, provided that they were eligible for such a coverage before departure from Slovenia. In countries where Slovenia has no bilateral agreements concerning urgent medical treatment, the volunteer must pay in advance, but the Slovenian Medical Insurance Office will reimburse that amount up to a certain limit. No advance payment is necessary in countries with which Slovenia has a bilateral agreement. Volunteers must request a special form valid for three months from the Regional Medical Insurance Office. In Bulgaria, Poland, Czech Republic and UK a valid passport and National Medical card is sufficient. Further information can be found in www.zzzs.si.

In relation to social protection and family allowances, no specific legal provision regulates this issue. Applying the general legal framework, Slovenian volunteers who are entitled to receive unemployment benefits before leaving, would have their right suspended during the voluntary service abroad. Individuals must notify the local employment authorities of their situation. Concerning family allowances, young Slovenians going abroad as volunteers also will not receive these benefits during their period abroad.

5. Foreign Volunteers in Slovenia

A visa is not normally required to enter Slovenia. Citizens from the EU, the EFTA and Croatia, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia among others do not require visas to enter the Republic of Slovenia for a period up to three months.

When the volunteer stays longer than three months it is compulsory to have a residence permit. The European Voluntary Service is specifically mentioned within the relevant law as grounds for obtaining a residency permit for up to 1 year (although volunteers must apply prior to entry into Slovenia via the Slovenia consular or diplomatic representation).

Regarding work permits, the law also exempts volunteers participating in work camps or any other form of international cooperation in the field of youth from requiring a work permit. Further information can be found at www.gov.si/mzz.

6. Governmental Action for Promotion For Promotion – Past and Future

National Network of Voluntary Work within the School System

The government has introduced volunteering in schools through an educational reform. The engagement of students in some kind of voluntary work is considered to offer educational benefits, to help the psychological and physical development of young people, and to enable young people get involved in the reality of their local community and their society. The benefits to the community and individual recipients of voluntary work are also widely recognised.

Voluntary work is offered at primary and secondary level. Secondary students are obliged to carry out some kind of voluntary work, while volunteering at primary school level is currently considered as 'good practice' and has been set up in roughly half of Slovenian schools. Several universities have also established programmes for students to volunteer, although it is not yet accredited within the academic system. The programmes normally ensure that a mentor is available to supervise and assist the volunteers and a counselor oversees the volunteers and their mentors.

The voluntary work is performed in different types of fields like social and health care as well as in the educational framework for instance assisting children with learning difficulties, refugees, Roma children, etc. The volunteers in secondary school spend time volunteering weekly throughout the academic year.

This program is financed by the Ministry of Science, Education and Sports and the National Education Institute which support advisors, who develop voluntary work opportunities, and education mentors. Nonetheless the funding does not cover the full cost of the schools programmes, which are obliged to look for co-funding from other governmental organizations. The programme has strengthened collaboration between government, education institutes and non-governmental organisations.

The programme has proven very successful in alleviating social problems and combating racism or social exclusion. Slovenian organisations are looking a ways that the model could also be transferred to other countries, particularly those of the Stability Pact.

For further information concerning the programme see www.cnvos.si and www.pic.si.

7. Final Remarks, Overview and Recommendation

Mutual help is part of Slovenian tradition, especially in rural areas. Volunteering has increased dramatically in recent years, partly in response to the need to combat poverty and social exclusion - the left-over from the previous Communist regime. Today, there is a convergence of the traditional understanding of voluntary action with new forms of civil engagement.

Apart from the volunteer work integrated in the Slovenian school system, volunteers play an important role in assisting refugees and asylum seekers, reflecting the importance of civil engagement in the integration of foreigners in Slovene society.

The voluntary activities of university students also make an important contribution to reducing social exclusion.

Most associations base their activities on voluntary work, but there are also organisations that have programmes for training volunteers for other organisations or for some defined purposes or activities. Their services are typically highly professional although many organisations face financial problems.

Despite the high level of participation in voluntary action, it is only recently that the Government has begun a serious dialogue with organisations concerning legislation and volunteerism. Several NGOs, in the framework of the Centre of Information Service, Co-operation and Development of NGOs (CNVOS) are engaged in a project called 'Forming of the Guidelines for Legislation concerning Volunteering', which aims to elaborate an overview of the Slovenian legal framework related to volunteerism and the actual problems that may appear.

Considering the recent evolution of volunteerism in Slovenia, there are reasons to be optimistic about the perspective of improving the legal situation of the volunteers in the near future.

For further information about Slovenian organizations please see www.cnvos.si and for legal aspects and legal advice www.pic.si.

8. Contacts

Slovenian NA for Youth programme
Zavod MOVIT
Movit, Gregorčičeva 3, 1000 Ljubljana, Slovenia
tel: +386- 1 - 426 52 68
fax: +386 – 1 -426 52 73
e-mail: info@movit.si
www: <http://www.movit.si>

Legal Information Centre for NGOs Slovenia - LIC
Povšetova 37
1000 Ljubljana, Slovenia
tel: +386 1 540 19 14
fax: +386 1 540 19 13
email: pic@pic.si
Website: <http://www.pic.si>

9. 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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