

**Act 71/98,
of 3 November
BASIC LEGAL FRAMEWORK ON VOLUNTEERING**

The Portuguese Parliament decrees, pursuant to Article 161, item (c), Article 166, paragraph (3) and Article 112 (5) of the Portuguese Constitution, with the force of general law, the following:

**CHAPTER I
General provisions**

Article 1

Object

This Act aims at promoting and guaranteeing to all citizens the solidary participation in volunteering actions and defining its basic legal framework.

Article 2

Volunteering

1. Volunteering comprises all actions of social and community benefit undertaken by people in an unselfish manner, within projects, programmes and other forms of intervention at the service of individuals, families and the community developed by public or private entities on a non-profit basis.
2. This Act shall not apply to actions which, however performed in an unselfish manner, have an isolated and sporadic nature or are determined by family, friendship or good neighbourhood considerations.

Article 3

Volunteer

1. A volunteer is an individual who, in a free, unselfish and responsible way undertakes, in accordance with his or her own capacities and spare time, to perform volunteering actions within a promoting organisation.
2. The quality of volunteer must not, in any way, emerge from a relation of subordinate or autonomous work or from any other patrimonial relation with the promoting organisation, without prejudice to special regimes provided for under the law.

Article 4

Promoting organisations

1. For the purposes of this Act, shall be deemed to be promoting organisations those public entities within the central, regional or local administration or any other public or private legal persons, legally established, which meet the requirements to integrate volunteers and coordinate the exercise of their activity; such requirements must be defined in accordance with Article 11.
2. Other socially recognised organisations that meet the requirements to integrate volunteers and coordinate the exercise of their activities can also adhere, as promoting organisations, to the regime established under this Act.
3. The activity referred to in the previous paragraphs must be of social and

community benefit and can be developed in the fields of civic life, social action, health, education, science and culture, heritage and environment protection, consumer protection, cooperation for development, employment and professional training, social reintegration, civil protection, development of associative life and social economy, promotion of volunteering and social solidarity, and other similar fields.

CHAPTER II

Principles

Article 5

General principle

The State recognizes the social value of volunteering as an expression of the free exercise of an active and solidary citizenship and promotes and guarantees its autonomy and pluralism.

Article 6

Principles governing volunteering

1. Volunteering is governed by the principles of solidarity, participation, cooperation, complementarity, gratuitousness, responsibility and convergence.
2. The principle of solidarity implies the responsibility of all citizens towards attaining the purposes of volunteering.
3. The principle of participation implies the intervention of organisations representing volunteering on matters concerning the areas in which volunteers develop their work.
4. The principle of cooperation comprises the possibility of promoting organisations and organisations representing volunteering to establish combined action relationships and programmes.
5. The principle of complementarity presupposes that volunteers should not substitute the human resources deemed necessary to pursue the promoting organisations' activities, as defined in their articles of association.
6. The principle of gratuitousness presupposes that volunteers are not remunerated, and cannot receive any grants or donations, due to the exercise of voluntary work.
7. The principle of responsibility recognizes that volunteers are responsible for the exercise of the activities they undertook to perform, given the expectations raised in recipients of voluntary work.
8. The principle of convergence determines the harmonisation of volunteers' action with the culture and institutional purposes of the promoting entity.

CHAPTER III

Rights and duties of volunteers

Article 7

Rights of volunteers

1. The volunteer shall have the right to:
 - a) Have access to initial and life-long training programmes, with the

view to improve his or her voluntary work;

b) Have a volunteer identification card;

c) Be integrated into the volunteering social insurance regime, in case he or she is not under a compulsory social security regime;

d) Exercise his or her voluntary work under hygienic and safe conditions;

e) Be absent from work, if justified, when summoned by the promoting organisation, inter alia to perform urgent missions, in situations of emergency, public disaster or similar;

f) Receive compensation, subsidies and pensions, as well as other benefits defined by law, in the event of accident or disease developed when performing voluntary work;

g) Establish with the entity he or she collaborates with a volunteering programme which regulates their mutual relations and the contents, nature and duration of the voluntary work to be performed;

h) Be heard within the preparation of the promoting organisation's decisions which affect the development of voluntary work;

i) Benefit, in the capacity of volunteer, of a special regime for using public transportation, as laid down in applicable legislation;

j) Be reimbursed of any sums spent in the exercise of activities programmed by the promoting organisation, if undelayable and duly justified, within the limits eventually established by such entity.

2. Justified absences provided for under item (e) shall be taken into account, for all purposes, as time of effective service and cannot imply the loss of any rights or benefits.

3. The quality of volunteer shall be compatible with that of associate, member of social bodies and beneficiary of the promoting organisation through which he or she exercises voluntary work.

Article 8

Duties of volunteers

Volunteers shall have the following duties:

a) Observe the rules of professional ethics governing the activity they exercise, namely the respect for the private life of all beneficiaries;

b) Observe the norms which regulate the functioning of the entity they collaborate with and of its programmes or projects;

c) Act in a diligent, impartial and solidary way;

d) Participate in training programmes aimed at developing capacities to perform voluntary work in a correct manner;

e) Provide for the best use of material resources and goods, equipment and devices put at their disposal;

f) Collaborate with the promoting organisation's staff, while respecting their options and following their technical guidance;

g) Refrain from acting as representatives of the promoting organisation unless with its knowledge and previous authorisation;

h) Guarantee that voluntary work is regularly exercised in accordance

with the programme agreed upon with the promoting organisation;
i) Duly use their identification as volunteers in the exercise of their activity.

CHAPTER IV **Relations between volunteers and promoting organisations**

Article 9

Volunteering programme

A volunteering programme should be agreed upon between the promoting organisation and the volunteer, in conformity with the applicable legal and corporate rules, comprising, inter alia, the following elements:

- a) Definition of the scope of voluntary work, in accordance with the volunteer's skills and the fields of activity previously defined by the promoting organisation;
- b) Criteria for participating in the activities promoted by the promoting organisation, definition of tasks deriving thereof, their duration and forms of termination;
- c) Terms of access to places where voluntary work is due to be performed, inter alia shelters, hospitals and detention centres;
- d) Internal systems of information and guidance for the performance of tasks by volunteers;
- e) Regular assessment of the results of voluntary work;
- f) Development of training activities aimed at achieving the best performance of voluntary work;
- g) Coverage of risks the volunteer is subject to and damages he or she may cause to third parties in the exercise of his or her activity, taking into consideration the applicable norms on civil liability;
- h) Identification as participant in the programme to be developed and certificate of participation;
- i) Procedure to solve disputes between the promoting organisation and the volunteer.

Article 10

Suspension and termination of voluntary work

1. The volunteer who wishes to interrupt or terminate voluntary work should inform the promoting entity as soon as possible.
2. The promoting organisation can forego the volunteer's collaboration on a temporary or definitive basis whenever the alteration of institutional purposes or practices so justifies.
3. The promoting organisation can determine the suspension or termination of the volunteer's contribution in all or some fields of activity in case the volunteer fails to fulfil, in a grave and reiterated manner, the volunteering programme.

CHAPTER V **Final and transitory provisions**

Article 11

Regulation

1. The Government should regulate this Act within 90 days, establishing the necessary conditions for its full and effective implementation, inter alia providing to give effect to the rights set forth in Article 7, paragraph (1), items (f), (g) and (j).
2. Such regulation should also take into account the specificities of each field of activity in which voluntary work is exercised.
3. Up until the enactment of such regulation, legislation that is not contrary to the provisions of this Act shall remain in force.

Article 12

Entry into force

This Act shall enter into force 30 days after its publication.

Approved on 24. September 1998

The President of Parliament, António de Almeida Santos

Promulgated on 21 October 1998

To be published.

The President of the Republic, JORGE SAMPAIO

Enacted on 23 October 1998.

The Prime Minister, António Manuel de Oliveira Guterres