

The Legal Status of Volunteers: Reflections on legal frameworks and policy developments in Europe

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Summary

Volunteer involvement has a complex relation to the state. Volunteers need to have some kind of legal status in order to be able to do their activities ‘safely’. Volunteer involvement needs to be defined in order to separate it from undesired forms of unpaid work. For this a national legal framework is needed. The article will develop a typology of European national legal frameworks. Co-authors will present their ‘own’ legal framework and analyse pros and cons. The article will conclude with suggestions for policy and practice.

Keywords: Volunteering, Legal Frameworks, Volunteer Liability, Vicarious Liability, Voluntary Organisations, Duties of Care.

1. Introduction

It is now more than a decade since the launch of the European Charter on the Rights and Responsibilities of Volunteers. Bringing together the European Youth Forum, the European Commission and the European Youth Federation of the Council of Europe, the Charter attempted to define volunteers and volunteering activity while bringing some sense to the rights and responsibilities of both volunteers and volunteering providers. The Charter was a clarion call for the development of a legal framework for volunteering (European Youth Forum 2012: 15). Reflecting in 2021 on the 10-year anniversary of the European Year of Volunteering, the Centre for European Volunteering (CEV) emphasised the ongoing need for a “more structured and consistent approach from the EU” in terms of the ever-changing characteristics of volunteering while calling on more countries “to translate the policy recommendations into national laws to ensure the rights and responsibilities of volunteers” (Centre for European Volunteering 2021). Yet the calls for a more cohesive legal and policy framework in the subsequent Blueprint for European Volunteering 2030 (BEV2030) limit the recommendations to three high-level “asks”. First, these

focus on “fit for purpose legal frameworks” that are easy for volunteers and their association to understand and to apply. Second, they cover both role-based and task-based volunteering by these frameworks. Third there is framework protecting the physical, mental, and social safety of volunteers and beneficiaries in a form that enables a proportionate and realistic response for organisations of all sizes to apply (Centre for European Volunteering 2021).

Outside of the EU, other regional and international organisations have recognised the importance of promoting volunteering and, to the extent it is needed, to enable such activity to regulate that space. In 2001, the UN General Assembly adopted Resolution 56/38 on support for volunteering (United Nations General Assembly 2001). In its recommendations on enabling fiscal, legislative, and other frameworks, including for community-based organisations and not-for-profit organisations engaged in volunteering, it called for the introduction of enabling legislation. It also highlighted the need to “facilitate partnership-building around volunteer-based activities of civil society, including arrangements for joint planning, implementation and monitoring, which could incorporate employee volunteer activities of the private sector” (United Nations General Assembly 2001: 5). For its part, the Council of Europe has called on Member States to “seek to identify and eliminate, in their laws and practice, any obstacles which directly or indirectly prevent people from engaging in voluntary action, and to reduce tax pressure which penalises voluntary action” (Parliamentary Assembly of the Council of Europe 2001). It has also urged Member States to “give voluntary workers legal status and adequate social protection, while respecting their independence, and removing financial obstacles to volunteering” (Parliamentary Assembly of the Council of Europe 2001).

This article asks what a fit for purpose legal framework might look like by comparing laws of three EU member states – Ireland, the Netherlands, and the Czech Republic – regarding their legal approaches to the definition of ‘volunteer’ or ‘voluntary organisation’, the rights and protections provided to such volunteers, and the resulting responsibilities and liabilities that flow from such activity for both the individual volunteer and the volunteering organisation. The article considers the various legal frameworks available to member states when it comes to the regulation of volunteering and the contextual, political, or environmental factors that inform their use.

2. Available regulatory frameworks

Different models of regulation exist in different countries. In its comparative paper on volunteering, the European Center for Not-for-Profit Law (ECNL) helpfully categorised three common models of regulation and outlined the advantages and disadvantages of each model (European Center for Not-for-Profit Law 2014).

According to ECNL, the respective categories are: models where the regulatory measures are grounded in custom/practices, self-regulation, and analogy in law; models where regulation of volunteerism occurs through various laws (e.g., labour law, tax law, etc.); and models where there is a separate comprehensive law on volunteering.

With the first model, there is no national law regulating the distinct legal status of volunteers. Such an approach is generally found in jurisdictions that have a well-developed tradition of volunteering and therefore less need for any legally binding regulations. Sweden is often cited as a strong example of this model in action (GHK 2012: 7). The second model provides a more disparate functional approach as opposed to a holistic approach to the regulation of volunteering. This can lead to definitions of ‘volunteer’ or volunteering activity being defined in various different laws relating to, for example, NGO regulation, youth participation, or codes of obligation. ECNL cites the example of Kosovo where the legal framework recognises only youth volunteering (European Center for Not-for-Profit Law 2014: 9). In contrast, the French laws on volunteering engagement distinguish between “*bénévolat*” (volunteers engaging without financial gain in their free time) and “*volontariat*” (full time volunteers as part of a voluntary service programme usually with an associated financial stipend), with both forms of engagement regulated under numerous other laws. While the former depends upon the regulation of the main organisational status (as either for-profit or non-profit), the latter is even more widely dispersed with legal provisions affecting *volontariat* found in laws relating to “volunteering in associations, civil volunteering, international volunteering in companies and voluntary civil service” (European Center for Not-for-Profit Law 2014: 10). The final model focuses on the holistic regulation of volunteering under a primary or main statute. One difficulty with this model can be to avoid the temptation to over-regulate volunteering and instead to facilitate its practice. In European countries one finds many examples of such comprehensive legislative approaches from the North Macedonian Law on Volunteering in 2007 to Slovakia’s Law on Volunteering in 2011 and Lithuania’s law of the same year. The motivation for a national law often comes out of the need to create a better recognition of the contribution that civil society makes in terms of social cohesion between citizens, particularly in countries that lack long ingrained customs of volunteering practices upon which to draw more naturally (Shalayeva 2011).

Approaching the matter from first principles, one might ask why legal recognition of volunteering is important? In essence, in addition to recognising the contribution to civil society made by volunteers, their legal recognition should ensure that volunteers are protected when providing services and/or engaging in other ways such as advocacy activities while also being differentiated from paid employees.

Good legal frameworks seek to incentivise rather than to impede volunteering activities and opportunities (Hadzi-Miceva 2007).

3. Country cases

3.1 Ireland

3.1.1 Volunteering Context

The law of volunteering is a combination of statute and case law. The Civil Liability Act 1961, as amended, distinguishes between a ‘volunteer’, a ‘voluntary organisation,’ and a ‘good Samaritan’.

A ‘voluntary organisation’ is defined as “a body (whether or not incorporated) that is not formed for profit and that authorises the doing of voluntary work whether or not as the principal purpose of the organisation” (Civil Liability Act 1961: 51A(1), inserted by Civil Law (Miscellaneous Provisions) Act 2011: 4).

A ‘volunteer’ is a person who performs voluntary activity that is authorised by a voluntary organisation and does so without expectation of payment (other than reasonable expense reimbursement) or other reward (Civil Liability Act 1961: 51A(1), inserted by Civil Law (Miscellaneous Provisions) Act 2011: 4). While the absence of remuneration normally points in the direction of volunteerism, it is not a sufficient condition per se (Breen and Smith 2019). Consideration should always be taken of the contractual obligations (if any) and the organisation’s control over the volunteer. Case law indicates that payment of anything more than expense reimbursement can shift a relationship away from voluntary work towards employment (Camphill Communities of Ireland v Elke Williams 2021; John Clark v Camphill Communities of Ireland 2024).

A ‘good Samaritan’ means “a person who, without expectation of payment or other reward, provides assistance, advice or care to another person in an emergency, but does not include a person who does so as a volunteer” (Civil Liability Act 1961: 51A(1), as inserted by Civil Law (Miscellaneous Provisions) Act 2011: 4).

3.1.2 Duties of Care to Third Parties

Lack of salary does not bestow immunity on a volunteer for their actions. If a third party suffers injury or loss because of a volunteer’s actions, both the volunteer and the organisation for whom they are acting are potentially exposed. Risk management therefore becomes important, and while an organisation cannot compel a volunteer to undertake necessary training, it can terminate its relationship with untrained volunteers.

3.1.3 Organisation's Duty of Care to Volunteers

The voluntary organisation's duty of care to the volunteer is set out in s51G of the Act. In determining this question, a court "shall consider whether it would be just and reasonable to find that the organisation owed such a duty having regard to the social utility of the activities concerned" (Civil Liability Act 1961: 51G(2); Irish Law Reform Commission 2009). To date, neither s51E (dealing with volunteer liability) or s51G (organisation duty of care) have been the subject of judicial interpretation. Volunteers, however, are owed the same health and safety obligations as a visitor to the voluntary organisation would be (Breen/Smith 2019). The greater access afforded to volunteers may result in a greater duty of care by the organisation, considering the increased risks to which volunteers may be exposed. Beyond this duty, volunteers are owed only limited duties. Unlike employees, volunteers are not entitled to holidays or statutory leave, there is no obligation to entertain grievance procedures for volunteers, and the volunteer relationship may be terminated at will.

3.1.4 Volunteer/Good Samaritan Liability

In terms of volunteer liability, s51E(1) of the 1961 Act provides that a volunteer shall not be personally liable in negligence for any act done when carrying out voluntary work. This general immunity is copper-fastened by s51E(3), which prohibits an organisation from contracting out of its vicarious liability to such volunteers arising because of s51E or in any way attempting to have the volunteer indemnify the organisation. Public liability insurance is thus essential for a voluntary organisation (Department of Rural and Community Development 2020: 36).

The statutory protection from liability is denied in cases where:

- (a) a volunteer acts in bad faith or with gross negligence, or
- (b) the volunteer knew or ought reasonably to have known that the act was (i) outside the scope of the voluntary work authorised by the volunteer organisation concerned, or (ii) contrary to the volunteer organisation's instructions (Civil Liability Act 1961: s 51E(2)).

Thus, reckless acts or acts outside their role description or instructions may leave a volunteer personally liable.

Protection from personal liability is also extended to 'good Samaritans' who aid, care, or advise in an emergency situation. The extent of this protection similarly does not apply where the Samaritan acts in bad faith or with gross negligence or in any instance where the Samaritan had a duty to help (Civil Liability Act 1961: 51D(3)).

3.2 The Netherlands

3.2.1 Volunteering Context

There is no legal definition of a voluntary organisation. There is no definition in the Civil Code of ‘volunteer’, ‘volunteer activity/engagement’, or ‘voluntary organisation’. In publications, often the notion of ‘voluntary organisation’ is used for associations and foundations. Volunteering and the concept of a volunteer are defined, however, for the purposes of unemployment law and tax law.

Under Dutch unemployment law (Ministry of Social Affairs and Employment 2014; Regeling van 10 december 2014, tot vaststelling van de Regeling vrijwilligerswerk in de Werkloosheidswet), unemployed persons may volunteer without losing their unemployment benefits if the volunteer activities in question meet the following conditions. It must be:

- unpaid labour (however, an allowance of max € 210 per month and € 2,100 per year (2024) is permitted);
- this labour is customary unpaid work within the institution or work location (so does not replace paid work);
- the labour must be carried out at an ANBI (public benefit institution), a non-profit organisation or institution, an SBBI (social interest benefit organisation), or an SBBI support foundation.

Under Dutch personal income tax law and tax law on wages (Wet op de loonbelasting 1964, article 2, subsection 6), a volunteer is defined as a person who, other than in exercise of their profession, undertakes activities for a public benefit institution (ANBI), a sports organisation, or a body not designated as such that is not subject to corporate tax or is exempt from it. The effect of these statutes is firstly to exempt allowances up to a certain amount from personal income tax (reimbursement of costs is not considered income) and secondly a waiver of rights to allowances or reimbursement of costs in favour of an ANBI is considered a tax-deductible gift. (Ministry of Finance, n. d.).

Notwithstanding the fact that there is no specific statutory regulation of volunteering in the Netherlands, there are general policy guidelines for organisations using volunteers and codes of conduct for volunteers, established by national umbrella organisations. These include:

- NOC*NSF (sports sector) (<https://nocnsf.nl>);
- CIO (interkerkelijk contact in overheidszaken: churches) (<https://www.cioweb.nl/>);
- NOV (Vereniging Nederlandse Organisaties Vrijwilligerswerk; not sector-specific) (<https://www.vrijwilligerswerk.nl>).

There is an abundance of codes of conduct in several subsectors issued by their specific umbrella organisations and federations.

3.2.2 Duties of care to third parties

There is no specific legislation on volunteers' duties of care to third parties. This means that the general duty of care is the leading norm. The codes of conduct (referred to above) make specific provision for the conduct that is expected of volunteers in their contact with people within or under the care of the organisation and/or that the organisation seeks to help or serve.

The organisation with which the volunteer engages can, as a rule, also be held liable for damages caused by its volunteers. This is generally the case if the volunteer is involved in providing services for clients of the organisation (art. 6:74 jo. 76 DCC) or if the volunteer is a subordinate (like an employee) of the organisation (art. 6:170 DCC). If the volunteer is not a subordinate, the organisation is liable for tort of the volunteer if the tort is committed in the performance of professional (business) activities of the organisation (art. 6:171 DCC). These are all provisions of general nature.

3.2.3 Voluntary Organisations' duties of care to their volunteers

Case law abounds on this subject. Basically, if volunteers carry out activities in the exercise of the business or profession of the organisation, the organisation is subject to the same duties of care that an employer has towards its employees. This means that specific regulations that apply for certain types of work to protect the health and safety of workers, also apply to volunteers.

In other cases of personal injury of volunteers incurred because of the activities for the organisation, the general duty of care (tort law) is the norm. In broad terms, this implies that the higher the risks involved, the higher duty of care of the organisation.

Regarding damages to volunteers' possessions in connection with their activities for the organisation, the default position – absent specific agreements on this point – is that the volunteer cannot claim compensation from the organisation. Principles of reasonableness and fairness may in specific circumstances lead to a different outcome.

3.2.4 Volunteer/Good Samaritan Liability under Dutch law

There is no clear pattern in case law that a specific regime regarding the duty of care applies to volunteers or Good Samaritans and there is no specific legal provision on this point. A volunteer that acts with the best of intentions but causes harm

or damage is judged by the general standards of tort law. The norm would be what can be expected of a reasonable volunteer acting in the circumstances of the case.

3.3 The Czech Republic

3.3.1 Volunteering Context

Czech law does not contain a universal definition of volunteering. There is, however, the Volunteer Service Act from 2002 (VSA) law aimed at regulating (a selected part of) volunteering (Act No. 198/2002 Coll). This Act defines ‘volunteer service’ as any help offered by volunteers in certain situations (such as helping the elderly, people with disabilities, or during natural disasters) (VSA § 2, subsection 1), and without the right to remuneration (VSA § 1, subsection 1; VSA § 5, section 4). Volunteers perform their service in a contractual relationship with a “dispatching organisation” (VSA § 3, subsection 2), which is a public-benefit legal person accredited by the Ministry of Interior (VSA § 4, subsection 1). The Act also contains provision regarding the contents of the contract between a volunteer and a dispatching organisation (VSA § 5). Volunteers whose service does not satisfy the legal definition of the VSA will usually perform their service under a general contractual type, whether it be an “innominate” contract or “mandatum” (*příkaz* in Czech) (Vít 2015).¹

3.3.2 Duties of Care to Third Parties

A distinction must be drawn between volunteers who perform their activity under VSA and those who do not. Volunteers who perform their activity under VSA are somewhat protected by this Act, since they are only liable for harm caused intentionally (VSA § 7, subsection 1). Victims are still protected, however, as the dispatching organisation might be subject to vicarious liability should the legal prerequisites thereof be fulfilled. Furthermore, dispatching organisations are required to conclude an insurance contract which will cover harm caused by a volunteer (VSA § 7, subsection 1). In the case of volunteering outside the VSA, there is no specific regulation and the duty of care volunteers owe to third parties is the same as the duty of care regular private persons owe. If they culpably interfere with somebody’s absolute right, or interfere with another right of their victim, culpably breaching a statutory duty enacted to protect such right, they will be obliged to compensate for such harm.²

1 See, in the context of the previous Civil Code, Hloušek 2012.

2 See § 2910 of the Civil Code (zákon č. 89/2012 Sb., občanský zákoník). English translation available at: <http://obcanskyzakonik.justice.cz/images/pdf/Civil-Code.pdf>.

3.3.3 Voluntary Organisations' duties of care to their volunteers

Concerning the duties of care voluntary organisations owe to volunteers, we must also distinguish between volunteers whose activity falls within the scope of the VSA and those whose activity does not. Under the VSA, voluntary organisations must ensure that volunteers undertake their activities in a safe environment and that their volunteer activity will not be performed in a life- or health-threatening environment, given the circumstances (VSA § 7, subsection 3). When it comes to occupational safety, labour law statutes will apply (VSA § 5, subsection 6). Furthermore, voluntary organisations are required to conclude an insurance contract which will cover any harm caused to the volunteer (VSA § 7, subsection 1).

As far as volunteers not 'serving' under the VSA are concerned, there is some duty of care owed by voluntary organisations. Each contract obliges the parties to protect the legitimate interests of the other (Melzer 2018b: 317–318, m. č. 16; Sutschet 2024: Rn. 89ff.). Even if there are no contractual provisions, the voluntary organisation owes the volunteer some duty of care, the standard being very similar to the one set forth by the VSA.

Some volunteers (e.g. Red Cross paramedics, volunteers 'serving' local governments) are entitled to compensation for damage caused by industrial injury.³ This is supposed to be more favourable to the volunteers, as the liability is strict Supreme Court of the Czech Republic, docket number 21 Cdo 2162/2016. There is not much practical difference between the two, however, since voluntary organisations are contractually liable to ensure the safety of their volunteers, contractual liability also being strict.⁴ Nonetheless, the prerequisites of the obligation to compensate for harm incurred are different. While it is not required that an employer breach any legal duty in order for them to be liable for industrial injury (Novotný 2023: 1152, m. č. 2), breach of a contractual obligation – although not necessarily culpable – is required in the case of contractual liability (Melzer 2018b: 316, m. č. 4–5).

3.3.4 Volunteer/Good Samaritan Liability under Czech Law

Outside the provisions of the VSA, there are not any specific statutes to protect good Samaritans. There is, however, a good Samaritan duty in criminal law, requiring individuals to help somebody whose health or life is endangered.⁵ There

3 See § 393 of the Labour Code (zákon č. 262/2006 Sb., zákoník práce). English translation available at: <https://www.mpsv.cz/documents/625317/625915/Labour+Code.pdf/b1f02b8f-ec9e-c898-cd4b-4d4f448538c3>.

4 See § 2913 of the Civil Code and Melzer 2018b: 316, m. č. 2. Cf. the above-cited Supreme Court judgment, docket number 21 Cdo 2162/2016.

5 See § 150 of the Criminal Code (zákon č. 40/2009 Sb., trestní zákoník). English translation available at: https://adsdatabase.ohchr.org/IssueLibrary/CZECH%20REPUBLIC_Criminal%20Code.pdf

is also a similar duty in private law,⁶ which, besides health and life, also protects property (Melzer 2018a: 98, m. č. 47).

4. European trends

In their 2021 study on new trends in the development of volunteering in the European Union (Meijs/Hendriks/Dobrevá 2021), the EESC highlighted the emergence of a new volunteering infrastructure based on a consideration of five European Member States (the Netherlands, Spain, Hungary, Croatia, and Finland). This infrastructure was constructed on the prevalence of two concepts identified by the study: 1) third-party facilitation of volunteering (most commonly in the sense of corporate CSR programmes or arising from community service or service learning prompted by educational institutes); and 2) “spontaneous volunteering,” described as an array of situations in which individuals began to either spontaneously self-organise to provide assistance to strangers or were prompted to join organisations following events such as a natural disaster (e.g., earthquakes or flooding, the arrival of refugees, or the onset of the COVID-19 pandemic).

In terms of individual country reports, the European countries addressed in the study differed in terms of the reported percentage of the population volunteering, with underlying aspects of both volunteer energy (supply) and volunteer opportunities (demand). Variations were observed regarding the forms and levels of volunteer activities. According to the study, these differences could be explained by “national institutional factors (nonprofit regimes, volunteering discourses, and religion), which influence volunteer energy, and volunteering-infrastructure factors (volunteer profiles, volunteer scenarios, and third parties), which influence opportunities” (Meijs/Hendriks/Dobrevá 2021: 26–27). In the intervening years, research into spontaneous volunteering has grown internationally (Choi et al. 2024; Wong 2024). European research in this area coincides with or precedes the COVID-19 pandemic (Marinca/Negru-Subtirica 2024; Mao et al. 2021). Commenting on the shift towards episodic spontaneous volunteering, the EESC study noted that such volunteering when it occurs tends to be more intensive and less sustainable over time than conventional volunteering (Meijs/Hendriks/Dobrevá 2021: 45–46). Looking to the future in 2021, the study predicted that “the rates of traditional volunteering for 2020 and 2021 will likely be lower in almost all countries. At the same time, there is no reason to expect volunteering not to bounce back” (Meijs/Hendriks/Dobrevá 2021: 44). A recent OECD Local Economic and Employment Development Paper confirms this analysis, noting that in 2022/23 just under one-quarter (22 percent) of the population declared having volunteered formally (i.e. through an organisation) in the preceding month across

6 See § 2901 of the Civil Code.

the OECD, with rates particularly high in European countries such as the Netherlands, France, Luxembourg, Ireland, and Norway, where three out of ten people or more volunteered (OECD 2024: 6). As this 2024 report notes: “Formal volunteer rates had been declining in recent years, with the COVID-19 pandemic bringing additional pressures. While on average across the OECD rates have rebounded to baseline levels, this recovery has not been shared by all places and people” (OECD 2024: 9; Nowakowska et al. 2025).

In light of these country reports, several key policy questions emerge that are worthy of further exploration in terms of the future of volunteering in Europe and the public policy and legal frameworks that support it. As patterns of volunteering evolve in the twenty-first century, what legal frameworks will be required to facilitate their maintenance and growth?

There is a shift in the nature of volunteering from traditional associational voluntary engagement involving a key relationship with a voluntary organisation of which the volunteer is an ‘active member’ to something more akin to ‘active citizenship’ whereby an individual feels a responsibility to a larger community to participate in a voluntary action (which can, depending on the breadth of the larger community in question, encompass the notion of spontaneous volunteering discussed above) or to undertake a job-like task without remuneration out of willingness to give up time for other people or for society. This can encompass the notion of corporate CSR employee programmes or service-learning activities, although these activities do raise questions as to the actual ‘voluntariness’ of the engagement, particularly if there is either peer pressure or promotional pressure to participate within a work setting in these projects. These useful categories coined by Dekker 2019 provide a mechanism to better understand the changing landscape of volunteering in Europe and to consider the legal framework necessary to facilitate its growth.

In terms of legal and policy frameworks, while national volunteering strategies remain relatively uncommon across EU member states (OECD 2024: 25), with Ireland being an exception with its comprehensive strategic document to encourage and support volunteering practices and its infrastructure (Department of Rural and Community Development 2020), many Member States have dedicated comprehensive volunteer laws. Examples abound in Austria, Belgium, the Czech Republic, Italy, Lithuania, Slovakia, Slovenia, Spain and Portugal. Other Member States include regulations affecting volunteering within other laws relating to the social economy or civil society organisations. Thus, France adopted a new law supporting employee volunteering initiatives in associations in 2024, enabling workers to ‘donate’ some of their days off to an association by having them converted to a cash payment by their employer to the NGO. The legislation also facilitates corporate firms to second staff or entire teams to work for an association for a fixed

period. Volunteering is also often mainstreamed in national youth policies, as is the case in Croatia, Denmark, Hungary, and Poland (United Nations Volunteers 2019: 12).

There is general agreement across commissioned reports to date that there needs to be better evidence in relation to informal volunteers and marginalised groups to strengthen the evidence base and broaden volunteer policy discourse. The UN's 2019 report on the Action Plan for 2030 revealed gaps in data quality and a lack of coordination in approaches amongst the countries studied. It recommended the need for concerted efforts “to generate high quality, disaggregated and comparable data on the impact, added value and capacity gaps of volunteerism as a people-centered approach to achieving locally-informed SDG targets” (United Nations Volunteers 2019: 18). Noting that such data would inform decision-making and monitoring at the national and local level, it recommended the regular application of statistical tools and ensuring that national statistical systems use harmonised methodologies to generate comparable data. The role of Eurostat would be important in the compilation of national data in this area. Currently available Eurostat data for persons participating in formal/informal voluntary activities or active citizenship for the years 2015 and 2022 shows a decline in all 20 countries represented in both cohorts with the exceptions of Romania and Malta (Eurostat 2025). It is noteworthy, however, that some of the figures are identified as being either of low reliability or being estimated, thereby affirming the need for better data to inform volunteering policy and law.

5. Conclusion

With 2026 designated as the UN International Year of Volunteers for Sustainable Development (IVY 2026) (United Nations General Assembly 2023; United Nations Volunteers 2023), international policy focus will once more turn to volunteering. The UN Resolution in question encourages Member States to include the integration of volunteering into sector priorities and national development strategies, plans, and policies. It also appeals to Member States to recognise and measure the contribution of formal and informal volunteers and volunteering. While this appeal is made in the context of achieving the Sustainable Development Goals, it speaks to a wider need to capture data in this growing area. Without more consistent statistical data at national, European, and international levels, it becomes increasingly challenging to facilitate good legal frameworks to support such civic activity and to protect those who volunteer as well as those who facilitate the voluntary activities or benefit from them.

One can neither regulate nor facilitate what is not seen, so mapping is extremely important in this area. The diversity of activity that occurs under the volunteering umbrella makes data even more important and it is unlikely that a one-size-fits-all

legislative solution will work across Member States. Within the European Union, the EU institutions have an important role to play in speaking to the value of volunteering and by encouraging Member States to reflect on the state and the status of volunteering in their national jurisdictions and to consider what barriers to volunteering could be removed or what legal steps need to be taken to create an enabling space to encourage more organised and more informal civic action. It is interesting in this regard that one of the UN Recommendations Resolution 78/127 specifically speaks to the introduction of “policies that remove all inequalities and risks in volunteering and support the setting up of knowledge and information platforms to develop and promote new forms of volunteering.”⁷

With the growth of spontaneous volunteering and the increasing prevalence of corporate community service models, we find two examples of the “new forms of volunteering” mentioned in the Resolution. Building a supportive regulatory framework to enable these two models requires a re-thinking of the duties of new actors (in this case the corporate employers enabling employees to engage with community benefit activities and programmes) and a reallocation of both the responsibilities and liabilities with existing actors in the voluntary sector. In the same way that the law has adapted in many countries to define and protect a Good Samaritan in certain situations when helping someone in need, there is room to consider legal framework around the action of spontaneous volunteers – what constitutes such activity, how such activity sits with the law of tort and when legal protections should be rendered to a spontaneous volunteer who is acting as a good citizen. It raises the question in some instances as to the boundaries between spontaneous volunteers and Good Samaritans.

As the three case studies of Ireland, the Netherlands, and the Czech Republic show, EU Member States have an awareness of the importance of volunteer contributions to civic life and have either developed an overarching strategy (as in Ireland), or a framework law (as in the Czech Republic) to support such activity or have kept an awareness of the implications of volunteering in play by adapting employment or tort law accordingly (as in The Netherlands).

It is now almost a decade since the European Parliament published its resolution on “European Voluntary Service and the promotion of volunteering in Europe” (European Parliament 2016). 2021 saw the promulgation of Regulation 2021/888 establishing the European Solidarity Corps Programme, described as a “unique EU gateway to solidarity activities for young people” (EU regulation, n. d.). While efforts to make 2025 a European Year of Volunteers⁸ were unsuccessful, there is

7 UNGA Resolution 78/127: International Year of Volunteers for Sustainable Development, 2026 (A/RES/78/127)

8 <https://ctv.erasmus.site/endorse-now-european-year-of-volunteers-2025/>; see also <https://www.europeanvolunteercentre.org/revive-campaign>.

room to push for a modern EU institutional statement on the value of volunteering that addresses a much broader spectrum of volunteering than simply youth engagement. It will be interesting to see what initiatives emerge under the UN Year of Volunteering that might provide momentum for further development at a European level. The promised evaluation of the implementation of IVY 2026 is to be awaited with great interest.

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