Act to Promote Youth Voluntary Services

(Youth Voluntary Services Act, JFDG)


Section 1
Eligibility for support

(1) Youth voluntary services promote the educability of young people and are a specific form of civic commitment. A youth voluntary service shall be eligible for support where the conditions set out in sections 2 to 8 are met and the voluntary service is carried out by an agency accredited in accordance with section 10. The support serves to offset the hardships and disadvantages associated with undertaking the youth voluntary service within the meaning of this Act.

(2) Youth voluntary services within the meaning of this Act are the Voluntary Social Year (Freiwilliges Soziales Jahr, FSJ) and the Voluntary Ecological Year (Freiwilliges Ökologisches Jahr, FÖJ).

Section 2
Volunteers

(1) Volunteers within the meaning of this Act are persons who

1. are undertaking non-profit voluntary work outside of vocational training which is comparable to full-time employment,

2. have committed to undertaking this voluntary service for a period of a minimum of six months and a maximum of 24 months on the basis of an agreement pursuant to section 11,

3. in return for their voluntary service may receive only free board, lodging and work clothes, as well as reasonable pocket money, or, in lieu of board, lodging and work clothes, may receive commensurate financial compensation; pocket money is reasonable if it does not exceed six per cent of the contribution assessment ceiling for statutory pension insurance (section 159 of the Sixth Book of the Social Code (Sozialgesetzbuch VI)), and

4. have completed their full-time compulsory education but who have not yet reached the age of 27.

(2) Volunteers are also those persons who are being prepared, by a youth voluntary services agency accredited in accordance with section 10, for undertaking a period of youth voluntary service abroad (preparatory service), receive only those benefits provided for in this Act for the preparatory service, and are engaged in no activity against payment while undergoing the preparatory service, and fulfil the conditions set out in paragraph (1) nos 2 and 4.

Section 3
Voluntary Social Year
(1) The Voluntary Social Year is carried out on a full-time basis in a predominantly hands-on auxiliary activity which is geared to learning goals and is carried out in common good-oriented facilities, primarily facilities for social welfare, facilities of child and youth welfare services, including facilities for non-formal youth education and facilities of youth work, in healthcare facilities, in cultural and cultural heritage protection institutions, or in sports facilities.  
(2) Those undertaking the Voluntary Social Year receive training and guidance. The training and guidance is provided by a central office of an agency of the youth voluntary service accredited in accordance with section 10, with the aim of teaching social, cultural and intercultural skills and building a sense of responsibility for the common good.

Section 4  
Voluntary Ecological Year

(1) The Voluntary Ecological Year is carried out on a full-time basis in a predominantly hands-on auxiliary activity which is geared to educational objectives in suitable places of assignment and facilities active in the field of nature conservation and environmental protection, including education for sustainability.  
(2) Those undertaking the Voluntary Ecological Year receive training and guidance. The training and guidance is provided by a central office of an agency of the youth voluntary service accredited in accordance with section 10, with the aim of teaching social, cultural and intercultural skills and building a sense of responsibility for the common good. The Voluntary Ecological Year in particular serves to strengthen the sustainable management of nature and the environment and to raise environmental awareness in order to promote competent action for nature and the environment.

Section 5  
Youth voluntary services inside Germany

(1) As a rule, the Voluntary Social Year inside Germany and the Voluntary Ecological Year inside Germany are carried out for a continuous period of twelve months. The minimum duration of a period of youth voluntary service with the same agency accredited in accordance with section 10 shall be six months; the voluntary service may be extended to a maximum duration of a total of 18 months. The agency may also offer the youth voluntary service in the context of an overall educational concept in separate periods, if one period lasts at least three months.  
(2) The training and guidance comprises the technical instruction of the volunteers by the place of assignment oriented towards educational objectives, individual guidance by the agency’s educational instructors and the place of assignment, as well as work in seminars. An introductory, an interim and a concluding seminar shall be held which must each last a minimum of five days. The overall duration of the seminars for a volunteer carrying out a twelve-month youth voluntary service shall be at least 25 days. Where agreement is reached that the voluntary service is to exceed or is to be extended beyond twelve months, the number of seminar days shall be increased by at least one day for each additional month. Time spent attending the seminars shall count as working time. Participation is compulsory. Volunteers are involved in designing the contents of the seminars and implementing them.  
(3) Up to a maximum duration of 18 months, a Voluntary Social Year and a Voluntary Ecological Year of a minimum of six months may be served consecutively. In such cases, paragraph (2) shall apply in respect of the number of seminar days for each service.  
(4) The accredited agencies and the places of assignment shall conclude a contractual agreement in regard to the youth voluntary service carried out in accordance with this Act. The agreement stipulates in which manner agencies and places of assignment will jointly pursue the objectives of the voluntary service, in particular social skills, personal development, as well as promoting educability and employability of the volunteers.

Section 6  
Youth voluntary service abroad
(1) A Voluntary Social Year or a Voluntary Ecological Year within the meaning of this Act may also be carried out abroad.

(2) The youth voluntary service abroad is carried out on a full-time basis pursuant to section 2(1) no. 1 and exclusively for an unbroken period. Section 5 applies mutatis mutandis, insofar as no diverging provisions apply to the youth voluntary service abroad. The Voluntary Social Year Abroad can, in particular, be a period of service for peace and reconciliation. Volunteers undertaking youth voluntary service abroad shall receive training and guidance pursuant to nos. 1 to 3:

1. The training and guidance shall be ensured by an agency accredited in accordance with section 10,

2. In preparation for the youth voluntary service and during the voluntary service abroad, training and guidance is provided in the form of training measures (seminars or educational events), through technical instruction by the place of assignment and individual guidance provided by instructors employed by the place of assignment or the agency; volunteers are involved in designing the contents of the seminars and implementing them.

3. The overall duration of the training measures shall be at least five weeks for those undertaking a twelve-month period of youth voluntary service abroad. The training and guidance shall comprise four-week preparatory events and follow-up events lasting a minimum of one week both held in Germany. Where the agency is able to provide an interim seminar abroad, which may last up to two weeks, the preparatory events shall be shortened accordingly. Time spent participating in the training measures shall count as working hours. Participation is compulsory.

(3) The voluntary service must be agreed with and organised by the agency pursuant to section 11(1). Section 11(2) shall not apply. The maximum duration of a posting abroad shall be twelve months.

Section 7
Combined youth voluntary service

A combined youth voluntary service inside Germany and abroad may be offered by the agency for a maximum duration of up to 18 consecutive months, with periods volunteering inside Germany of at least three months and periods volunteering abroad of at least three and at most twelve months. The voluntary service must be agreed and organised together with the agency for the overall period in accordance with section 11(1). Section 11(2) shall not apply. The training and guidance shall be provided pursuant to section 6; interim seminars may also be held inside Germany. Section 5(2) shall apply mutatis mutandis to periods of voluntary service lasting less or more than twelve months.

Section 8
Temporal exceptions

By way of exception the youth voluntary service in accordance with sections 5 and 7 may be undertaken for a period of up to 24 months where justified in the context of a specific educational concept. This shall apply pursuant to section 14 to voluntary service carried out abroad in accordance with section 6.

Section 9
Support

Support for the Voluntary Social Year and the Voluntary Ecological Year is provided on the basis of the following statutory provisions:
1. Section 3 of the Ordinance on Special Leave for Federal Civil Servants and Judges Appointed by Federal Institutions (Verordnung über Sonderurlaub für Bundesbeamte und Richter im Bundesdienst) (special leave),

2. Section 2(1) no. 8 of the Labour Courts Act (Arbeitsgerichtsgesetz) (jurisdiction of courts),

3. Section 32(4), first sentence, no. 2 (b) and (d) of the Income Tax Act (Einkommenssteuergesetz) (allowances for children),

4. Section 265(2), third sentence, no. 2 of the Equalisation of Burdens Act (Lastenausgleichsgesetz) (equalisation of burdens),

5. Section 27(2), second sentence, no. 1, section 150(2), first sentence, no. 2, section 344(2) of the Third Book of the Social Code (Sozialgesetzbuch III) (employment promotion),

6. Section 20(3), first sentence, no. 2 of the Fourth Book of the Social Code (Sozialgesetzbuch IV) (total social insurance contribution),

7. Section 67(3), first sentence, no. 2 (b) and (c), section 82(2), second sentence, of the Seventh Book of the Social Code (Sozialgesetzbuch VII) (statutory accident insurance),

8. Section 33b(4), second sentence, no. 2 (d), section 45(3), first sentence, (c) of the Federal War Victims’ Pension Act (Bundesversorgungsgesetz) (child supplement and orphan’s allowance for war victims),

9. Section 2(2), first sentence, no. 2 (b) and (d) of the Federal Child Benefits Act (Bundeskindergeldgesetz) (child benefit),

10. Section 10(1) of the Fourth Book of the Social Code (place of employment),

11. Section 7(1), first sentence, no. 2, section 10(2) no. 3 of the Fifth Book of the Social Code (Sozialgesetzbuch V) (health insurance),

12. Section 5(2), third sentence, section 48(4), first sentence, no. 2 (b) and (c) of the Sixth Book of the Social Code (pension insurance),

13. Section 25(2) no. 3 of the Eleventh Book of the Social Code (Sozialgesetzbuch XI) (long-term nursing care insurance),

14. Section 1(1) no. 2 (h) of the Ordinance on Compensation for Public Passenger Transport Services By Road (reductions in passenger transport by road),

15. Section 1(1) no. 2 (h) of the Ordinance on Compensation for Public Passenger Transport Services By Rail (reductions in passenger transport by rail),


Section 10
Agencies

(1) Accreditation as agencies of the Voluntary Social Year inside Germany within the meaning of this Act shall be given to:

1. associations which are members of the Federal Association of Non-statutory Welfare (Bundesarbeitsgemeinschaft der freien Wohlfahrtsleistungen), and its sub-organisations,
2. religious communities having the status of a corporation under public law, or
3. regional authorities, as well as other corporations under public law as defined by the Länder (federal states).

(2) The competent Land authority may also give accreditation as agencies of the Voluntary Social Year inside Germany and agencies of the Voluntary Ecological Year inside Germany within the meaning of this Act to those facilities which guarantee implementation in accordance with sections 2 and 3 or 4 and 5.

(3) Accreditation as agencies of the Voluntary Social Year Abroad or agencies of the Voluntary Ecological Year Abroad within the meaning of this Act shall be given to those legal entities which

1. carry out measures within the meaning of sections 6 or 7 and which prepare, post and provide guidance to volunteers carrying out voluntary service abroad,
2. guarantee that they fulfil their tasks on the basis of proven experience abroad and fulfil the obligations incumbent upon them in accordance with this Act,
3. exclusively and directly serve tax-privileged purposes within the meaning of sections 51 to 68 of the Fiscal Code (Abgabenordnung), and
4. are established in the Federal Republic of Germany.

The competent Land authority shall be responsible for taking the decision on accrediting an agency of the Voluntary Social Year Abroad and on accrediting an agency of the Voluntary Ecological Year Abroad.

(4) The competent Land authority shall revoke the accreditation of agencies within the meaning of this Act if one of the requirements set out in paragraph (2) or (3) is no longer met. Accreditation may also be revoked on other important grounds, in particular if a condition was not met. The revocation or withdrawal of accreditation shall not affect the rights of the volunteers under this Act.

(5) Existing accreditations of agencies in accordance with the Act to Promote a Voluntary Year of Social Service (Gesetz zur Förderung eines freiwilligen sozialen Jahres) or in accordance with the Act to Promote a Voluntary Year of Ecological Service (Gesetz zur Förderung eines freiwilligen ökologischen Jahres) shall remain unaffected.

Section 11
Agreement, certificate reference

(1) The accredited agency of the youth voluntary service and the volunteer shall conclude a written agreement prior to the commencement of the youth voluntary service. The agreement must specify:

1. The volunteer’s first name and surname, date of birth and address,
2. The designation of the agency of the youth voluntary service and of the place of assignment,
3. The period of youth voluntary service to which the volunteer commits and a rule governing the premature termination of the voluntary service,
4. The declaration that the provisions of this Act must be respected during the youth voluntary service,
5. The agency’s accreditation notice or statutory accreditation,
6. The type and amount of the benefits in money and in kind for board, lodging, work clothes and pocket money,
7. The number of days of leave, and
8. The objectives of the service and the key measures implemented to achieve those objectives.

(2) The agreement in accordance with paragraph (1) may also be concluded as a joint agreement between the accredited agency, the place of assignment and the volunteer, in which the place of assignment takes on the payment of benefits in money and kind for board, lodging, work clothes and pocket money for its own account. The agency shall be liable for the fulfilment of these obligations vis-à-vis the volunteer and third parties in the same way as a primarily liable guarantor.

(3) Upon completion of the voluntary service, the agency shall issue the volunteer with a certificate. Paragraph (1), second sentence, nos. 4 and 5 shall apply mutatis mutandis; in addition, the certificate shall specify the period in which the voluntary service was carried out.

(4) Upon completion of the youth voluntary service, the volunteer may ask the agency to issue a written reference on the nature and duration of the youth voluntary service. The place of assignment shall be involved to an appropriate extent in the preparation of the reference; in the case set out in section 11(2) the reference shall be prepared in consultation with the place of assignment. Upon request, the reference shall detail the voluntary services carried out by the volunteer and his or her conduct during the period of voluntary service. The reference shall include the professional qualification characteristics of the youth voluntary service.

Section 12
Data protection

The agency of the youth voluntary service may collect and process personal data in accordance with section 11(1), second sentence, where this is necessary in relation to support in accordance with section 9 in conjunction with the provisions referred to therein. The data shall be erased upon conclusion of the youth voluntary service.

Section 13
Application of labour-law, health and safety at work, and other provisions

Health and safety at work provisions and the Federal Leave Act (Bundesurlaubsgesetz) shall apply mutatis mutandis to activities undertaken in the context of the youth voluntary service within the meaning of this Act. Volunteers shall be held liable for damage arising during the execution of their tasks only to the same extent as an employee.

Section 14
Non-applicability of the maximum duration to foreign postings

The maximum duration of foreign postings of twelve months as set out in section 6(3), third sentence, and section 7, first sentence, shall not apply to postings carried out as from 1 January 2009, unless Regulation (EC) No 883/2004 does not apply until a later date. In that case, the first day of application of Regulation (EC) No 883/2004 shall override. As regards the maximum duration of the voluntary service, the number of additional seminar days and the possibility of extending the voluntary service to 24 months, the rules applicable to voluntary service inside Germany shall apply mutatis mutandis from that date.

Section 15
Transitional rule

(1) The provisions of the Act to Promote a Voluntary Year of Social Service and of the Act to Promote a Voluntary Year of Ecological Service shall continue to apply to periods of
voluntary service which were agreed or begun prior to the entry into force of this Act. This shall not apply where the parties concerned agree that the provisions of this Act shall apply. A period of voluntary service which has already been completed in accordance with the Act to Promote a Voluntary Year of Social Service or the Act to Promote a Voluntary Year of Ecological Service shall be credited against the maximum duration of 24 months.

(2) Where federal acts or ordinances make reference to the youth voluntary service within the meaning of this Act, this shall also count as a reference to a voluntary service to which, in accordance with paragraph (1), first sentence, the provisions of the Act to Promote a Voluntary Year of Social Service or the Act to Promote a Voluntary Year of Ecological Service continue to apply.