

Übersetzung durch Ute Reusch.

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Federal Volunteer Service Act (BFDG)

Federal Volunteer Service Act of 28 April 2011 (Federal Law Gazette Part I, p. 687)

Section 1

Purpose of federal volunteer service

In the federal volunteer service women and men commit themselves to the common good, primarily in the social, environmental and cultural spheres, as well as in the fields of sports, integration, and civil protection and disaster relief. Federal volunteer service promotes lifelong learning.

Section 2

Volunteers

For the purpose of this Act, "volunteers" are persons who

1. have completed their full-time compulsory education,
2. are undertaking a non-profit voluntary service outside of vocational training which is, in respect to the hours of service, comparable to full-time employment, or, if they have reached the age of 27, is comparable to full-time employment or to part-time employment of more than 20 hours per week,
3. have committed themselves to the federal volunteer 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 8, and
4. 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, commensurate financial compensation; pocket money is reasonable if it is
 - (a) no more than six per cent of the contribution assessment ceiling for statutory pension insurance (section 159 of the Sixth Book of the Social Code (*Sozialgesetzbuch VI*)),
 - b) commensurate with pocket money paid to other persons undertaking youth voluntary service in accordance with the Youth Voluntary Service Act (*Jugendfreiwilligendienstegesetz*) who are engaged in a comparable activity at the same place of assignment,
 - c) reduced on a proportionate basis for volunteers undertaking voluntary service which is, in respect to the hours of service, comparable to part-time employment, and

- d) increased for volunteers under the age of 25 who are not entitled to an allowance in accordance with section 32(6) of the Income Tax Act (*Einkommensteuergesetz*) or to child benefit.

Section 3

Fields of assignment, duration

(1) Federal volunteer service is generally carried out on a fulltime basis as a predominantly hands-on auxiliary activity in common-good-oriented facilities, primarily facilities of child and youth welfare services, including facilities for extracurricular youth education and youth work, in facilities for social welfare, healthcare and care of the elderly, facilities providing help for the disabled, culture and cultural heritage protection institutions, sports, integration, civil protection and disaster relief facilities, and in facilities active in the field of environmental protection, including nature conservation and education for sustainability. The federal volunteer service must be labour-market neutral.

(2) Generally, federal volunteer service is carried out for a continuous period of twelve months. The voluntary service lasts a minimum of six months and a maximum of 18 months. By way of exception it may be extended up to a maximum of 24 months where justified in the context of a specific educational concept. It may be carried out across separate periods if this is justified on the basis of an overall educational concept and each period lasts at least three months. For volunteers below the age of 27, the overall duration of all these periods and several federal volunteer services rendered may not exceed the overall duration permissible in accordance with the second and third sentences, after which five years must elapse following each overall term of voluntary service permissible in accordance with the second and third sentences; any period of youth voluntary service shall be counted against the overall period of voluntary service.

Section 4

Training and guidance

(1) Those undertaking federal volunteer service receive training and guidance with the aim of teaching social, environmental, cultural and intercultural skills and building a sense of responsibility for the common good.

(2) Volunteers receive technical guidance at their places of assignment.

(3) Seminars are held during the federal volunteer service at which attendance is compulsory. Time spent attending the seminars shall count as service time. The overall duration of the seminars shall be at least 25 days for those carrying out federal volunteer service for a period of twelve months; volunteers over the age of 27 shall participate in an appropriate number of seminars. Where agreement is reached that the federal volunteer 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. In the case of federal volunteer service lasting less than twelve months, the number of seminar days shall be reduced by two days for each month. Volunteers are involved in designing the contents of the seminars and implementing them.

(4) The seminars referred to in paragraph (3) shall include a five-day civic education seminar. The political issues dealt with in this seminar may not be reduced to the presentation of one-sided opinions. Instruction as a whole must be structured so that the volunteers are not influenced in favour of or against any particular political opinion.

(5) The seminars, especially the civic education seminar, may be organised jointly for both volunteers and those carrying out youth voluntary service or voluntary military service.

Section 5

Other Services Abroad

Existing accreditations and the possibility of the first-time accreditation of agencies, projects and assignment plans of Other Services Abroad (*Anderer Dienst im Ausland*, ADiA) in accordance with section 14b(3) of the Alternative Civilian Service Act (*Zivildienstgesetz*) shall remain unaffected.

Section 6 Places of assignment

- (1) Volunteers shall carry out their federal volunteer service in accredited places of assignment.
- (2) A place of assignment may, upon application, be accredited by the competent federal authority if it
1. performs tasks primarily in facilities of child and youth welfare services, including facilities for extracurricular youth education and youth work, in facilities for social welfare, healthcare and care of the elderly, facilities providing help for the disabled, culture and cultural heritage protection institutions, sports, integration, civil protection and disaster relief facilities, and in facilities active in the field of environmental protection, including nature conservation and education for sustainability,
 2. guarantees that the provisions of this Act in regard to the activity carried out by the volunteers, their supervision and guidance are met, and
 3. the volunteers receive personal and technical guidance and they are supervised and guided by qualified personnel.

Accreditation is given to specific posts. Conditions may be attached to the accreditation.

- (3) The institutions providing employment and posts of the Alternative Civilian Service which were accredited as at 1 April 2011 in accordance with section 4 of the Alternative Civilian Service Act shall be regarded as accredited places of assignment and posts within the meaning of paragraph (2).
- (4) Accreditation shall be withdrawn or revoked if one of the requirements set out in paragraph (2) is not or no longer met. It may also be revoked on other important grounds, in particular if a condition was not met or was not met within the time-limit set.
- (5) The place of assignment may assign statutory tasks or tasks set out in an agreement to an agency or a central office with its consent. This must be set out in the proposal referred to in section 8(1).

Section 7 Central offices

- (1) Agencies and places of assignment may establish central offices. Central offices shall ensure that the agencies and places of assignment affiliated to them duly cooperate in carrying out the federal volunteer service. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend*) shall determine by ordinance not requiring the consent of the Bundesrat the minimum requirements for the establishment of a central office, especially in regard to the number, size and geographical distribution of the places of assignment and agencies required for the establishment of a central office.
- (2) Upon their request, the competent federal authority shall establish a central office for places of assignment and agencies not affiliated to any central organisation.
- (3) Each place of assignment shall be affiliated to one central office or several central offices.
- (4) The central offices may attach conditions to the places of assignment affiliated to them, in particular in regard to joining an agency or concerning the structure and organisation of the educational guidance provided to volunteers.
- (5) The competent authority shall inform the central offices after the entry into force of the annual Budget Act (*Haushaltsgesetz*), by 31 January of each year at the latest, of how many posts in the respective central office's area of responsibility are available from August of that year. The central offices shall themselves be responsible for the regionally appropriate allocation of these posts to the agencies and places of assignment affiliated to them. They may attach conditions to the allocation of posts.

Section 8 Agreement

(1) The Federation and the volunteer shall conclude a written agreement prior to the commencement of the federal volunteer service on the basis of a proposal submitted jointly by the volunteer and the place of assignment. The agreement must specify:

1. The volunteer's first name and surname, date of birth and address, and, in the case of minors, the address of the parents or legal guardians and the consent of the legal representative,
2. Whether the volunteer is entitled to a tax allowance in accordance with section 32(6) of the Income Tax Act or to child benefit,
3. The designation of the place of assignment and, if it is part of an agency, the agency's designation,
4. The period of federal volunteer service to which the volunteer commits and a rule governing the premature termination of the voluntary service,
5. The note that the provisions of this Act must be complied with during the federal volunteer service,
6. The type and amount of the benefits in money and in kind, and
7. The number of days of leave and of seminar days.

(2) The place of assignment may assign statutory tasks or tasks set out in the agreement to an agency or a central office. This must be specified in the proposal referred to in paragraph (1).

(3) The place of assignment shall, in consultation with the central office to which it is affiliated, submit the proposal to the competent federal authority. The central office shall ensure that a vacant post in accordance with section 7(5) is available. The competent federal authority shall inform the volunteer and the place of assignment, where applicable the agency and the central office, that the agreement has been concluded or shall notify them of the reasons why no agreement can be concluded.

Section 9 Liability

(1) The Federation shall be held liable for wilful or grossly negligent damage caused by the volunteer if the damaging action was carried out at its request. The volunteer may thus demand that the Federation release him or her from claims for damages by the injured party.

(2) Volunteers shall be held liable for damage arising during the execution of their tasks only to the same extent as an employee.

Section 10 Participation

The volunteers shall elect spokespeople to represent their interests vis-à-vis the places of assignment, agencies, central offices and the competent federal authority. The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth shall by ordinance not requiring the consent of the Bundesrat introduce rules detailing the electoral procedure.

Section 11 Certificate, reference

(1) Upon completion of the voluntary service, the place of assignment shall give the volunteer a certificate documenting the voluntary service. A duplicate copy of the certificate shall be sent to the competent federal authority.

(2) Upon completion of the voluntary service, the volunteer shall receive from the place of assignment a written reference on the nature and duration of the voluntary service. The reference shall detail the services provided by the volunteer and his or her conduct during

the period of voluntary service. The reference shall include the professional qualification characteristics of the federal volunteer service.

Section 12

Data protection

The places of assignment, central offices and agencies may collect, process and use the personal data referred to in section 8(1), second sentence, where this is necessary for implementation of this Act. The data shall be erased upon conclusion of the federal volunteer service.

Section 13

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

(1) Health and safety at work provisions, the Youth Employment Protection Act (*Jugendarbeitsschutzgesetz*) and the Federal Leave Act (*Bundesurlaubsgesetz*) shall apply mutatis mutandis to activities undertaken in the context of the federal volunteer service within the meaning of this Act.

(2) Where no social insurance rule expressly applies, the same provisions of social insurance law shall apply mutatis mutandis to the federal volunteer service as apply to the youth voluntary service in accordance with the Youth Voluntary Service Act. Moreover, the following provisions shall apply mutatis mutandis:

1. Section 3 of the Ordinance on Special Leave (*Sonderurlaubsverordnung*),
2. Section 45(3), first sentence, (c) of the Federal War Victims' Compensation Act (*Bundesversorgungsgesetz*),
3. Section 1(1) no. 2 (h) of the Ordinance on Compensation for Public Passenger Transport Services By Road,
4. Section 1(1) no. 2 (h) of the Ordinance on Compensation for Public Passenger Transport Services By Rail.

Section 14

Competent federal authority

(1) Unless this Act provides otherwise, it shall be executed by the federal administrative authorities. Responsibility for execution shall be transferred to the Federal Office for the Alternative Civilian Service (*Bundesamt für den Zivildienst*) as an independent higher federal authority, which shall be given the designation "Federal Office of Family Affairs and Civil Society Functions" (*Bundesamt für Familie und zivilgesellschaftliche Aufgaben*) and shall be subordinate to the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

(2) The Federal Office may be assigned additional tasks.

Section 15

Advisory Council for the Federal Volunteer Service

(1) An advisory council shall be set up for the federal volunteer service at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The advisory council shall advise the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth on matters concerning the federal volunteer service.

(2) The advisory council shall comprise:

1. Up to seven federal spokespeople representing the volunteers,
2. Up to seven representatives of the central offices,
3. One representative each of the Protestant Church and of the Catholic Church,
4. One representative each of the trade unions and of the employers' associations,
5. Four representatives of the Länder (federal states), and

6. One representative of the local government associations.

(3) As a rule, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth shall appoint the members of the advisory council for a period of four years. The offices referred to in paragraph (2) shall submit recommendations to that end. The members referred to in paragraph (2) no. 1 shall be appointed for the duration of their voluntary service. A personal deputy shall be appointed for each member.

(4) The meetings of the advisory council shall be convened and chaired by the representative appointed therefor by the Federal Minister for Family Affairs, Senior Citizens, Women and Youth.

Section 16

Assignment of tasks

The places of assignment, central offices and agencies may, with their agreement, be assigned tasks. Reasonable costs arising in this context may be reimbursed.

Section 17

Costs

(1) Where the volunteers receive board, lodging and work clothes or commensurate financial compensation, the places of assignment shall provide these benefits in money and in kind on behalf of the Federation at their own expense. They shall bear the administrative costs arising from employing the volunteers.

(2) The places of assignment shall pay the volunteers pocket money on the Federation's behalf if payment of pocket money has been agreed. The places of assignment must comply with the notification, recording and payment requirements set out in social security legislation. The places of assignment shall carry the costs of the training and guidance provided to volunteers.

(3) The places of assignment shall be reimbursed for the pocket money, social security contributions and training and guidance from funding made available in the budget; the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth shall, in consultation with the Federal Ministry of Finance (*Bundesministerium der Finanzen*), set standardised ceilings for this reimbursement. The grant towards expenses incurred providing the educational guidance to volunteers shall be set in accordance with the directives of the Federation applicable to the Voluntary Social Year inside Germany (*Freiwilliges Soziales Jahr*, FSJ).