

# **European legal framework on cross-border volunteering. Where young people have a say?”**

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**Partnership between the European Commission and the  
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## **European Knowledge Centre of Youth Policies (EKCYP)**

### **Preliminary results of the Summary Report**

**In 2011: 21 National Reports on Volunteering of 20 countries and**

**In 2008: 3 National Reports of 3 countries**

**EU Member States, Liechtenstein, Croatia**

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**Approved by relevant national authorities**

***Disclaimer: All the conclusions are of the author and do not necessary reflect the opinion of the institutions involved***

# LEGAL FRAMEWORKS

## **National law(s) and/or policies on volunteering/volunteering of young people**

- ◆ Definitions of volunteering, volunteerism, volunteer, voluntary service, volunteer work, volunteering organisation, volunteering sector
- ◆ Fields of volunteering
- ◆ Legal status of volunteers
- ◆ Legal status of volunteering organisations
- ◆ Social security for volunteers
- ◆ Remuneration for voluntary activities
- ◆ National voluntary service for youth
- ◆ Transnational volunteering programmes

## **APPROACHES TO LAW-MAKING**

### **Out of principle No law (*Denmark, Finland, Sweden*)**

Volunteering is an expression of free will of our citizens and residents.  
Free will rule

### **Out of need law-making (*Croatia, Czech Republic, Latvia, Lithuania, Malta, Romania*)**

Need for better recognition of contribution that civil society makes into social cohesion between citizens, the volunteers are on the first front

### **Rational law-making (*Belgium, Germany, France, Italy, Luxembourg, Netherlands, Spain, UK*)**

Long-standing tradition on volunteering, infrastructure, schemes. Law-making in the area of volunteering has been for us a natural process, useful, rational and we continue with it

### **Thinking or not thinking of it (*Bulgaria, Estonia*)**

Not yet there, not ready, or working on it

## INITIAL STATEMENT

The legal status of volunteer determines the level of social protection guaranteed to volunteer

*Out of free will  
In a free time  
Outside of fixed  
employment  
To the benefit of 3<sup>rd</sup> party  
Activity*

## PARADOX

Social security rights are earned with remunerated labour

**Everyone is encouraged to seek paid employment first**

**Restrictions in duration, number of hours, types of activities,  
compensation for actual beneficiaries of social assistance  
payments**

**REG (EEC) 1408/71 only covers those volunteers who are insured  
under their national security legislation**

## **STATUTORY VOLUNTEERING AS A SOLUTION**

**Minimal age limits**

**Educational requirements**

**Insurances (regular medical, civil liability,  
accident)**

**Benefits (family, unemployment, record of  
service, pension, incapacity, living allowance)**

**National and International schemes**

## **AN EXAMPLE – BELGIUM**

*The Act on insurance regime for young people, involved in volunteering  
September 2010. Source, National Report BE(FL)*

In the situation of unemployment benefits, benefits caused by leave of absence, temporary benefits for school-leavers, volunteers shall report their volunteering activities in writing to the unemployment agency of the National Employment Office. The burden of proof rests with the RVA, and the request can only be rejected in certain specified cases.

Which are: volunteering work not officially defined, or that the nature, volume or frequency of the activity does correspond to volunteering, or that unemployed person becomes less available to the labour market due to volunteer work.

In the situation of living allowance, there is an extra step to take. Prior notification to their welfare officer at the Public Centre for Social Welfare shall be made, before taking up volunteering.

Young people with replacement income have the right to receive payment, that covers the costs of voluntary work. There is not risk to reduce social benefits in this case, but the conditions of the law shall be met.

In case of a person receiving disability allowance, medical certificate shall establish “compatibility” between actual health condition of candidate-volunteer and nature of volunteering tasks. Same procedures exists in case of illness or pregnancy. Volunteers are held responsible to obtain such a medical certificate.

## **FUTURE ACTIONS**

**Reconsider the “Volunteering” and the “Volunteer”:** *social practice, not a paid employment, for how long is a volunteer volunteer, how professional shall be a volunteer to take up a service*

**What is and what is not a recognised volunteering:** *statutory and informal volunteering, funded and non-funded volunteering organisations, services, programmes, formal validation and social appreciation of volunteering*

**Bilateral and multilateral conventions, EU legislation about the social security rights for cross-border volunteers**

**Develop infrastructure** (travel, housing, daily assistance, psychological support) **for cross-border volunteers with special needs, capacity building of HO/SO, organisation of the service**